



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.04 p.m. – 8.11 p.m.

Gibraltar, Wednesday, 29th June 2016

Contents

Papers to be laid	4
Questions for Oral Answer	5
Health, the Environment, Energy and Climate Change	5
Q289-290/2016 Glass lookout, Mount Misery; Royal Anglian Way suspension bridge – Progress, costs and maintenance	5
Q291-292/2016 Unlawful incursions into British Gibraltar Territorial Waters – Details of Spanish fishermen	8
Q293-294/2016 Bluefin tuna – Tonnage caught and registered in Gibraltar	9
Q296-299/2016 Fisheries Advisory Committee – Allocation	10
Q300-302/2016 Dust and water pollution – Monitoring and fines	12
Q303/2016 Bathing water standards – Revision	13
Q304-305/2016 Countering vandalism and litter across Upper Rock – Maintenance programmes; CCTV cameras	14
Q306/2016 Rock of Gibraltar and Upper Rock Management Plans – Publication	15
Q307-308/2016 Upper Rock and Marine Nature Reserves – Watering points; vulnerability assessments	15
Q309-321/2016 Environmental Action and Management Plan – Biodiversity; electricity and water; tidal currents; grants; transport; development; heritage	17
Q322-323/2016 Wave generator – Cost, funding and output	21
Q324/2016 Europa Point sewage outfall – Monitoring regime	26

Q325-326/2016 Climate change programme – Government action plan	26
Q327/2016 Recycling – Penalties for failure	27
Q328/2016 Renewable energy or carbon offset– Developing projects in Morocco	28
Q329-331/2016 Industrial noise levels – Steering Group; Noise Bill	29
Q332/2016 Waste treatment plant – Award of tender	30
Q333/2016 Nature Reserves – Invasive plant species	31
Q334/2016 Biodiversity Action Plan 2006 – Guide for Government	32
Q335-336/2016 Trees in urban areas – Number planted since 2014 and cut down since 2012	32
Q337/2016 Europa Point foreshore – Litter cleaning	35
Q338/2016 Environmental guidance for boat owners – Details	36
Q339/2016 North Front Cemetery – Plans to improve condition	37
Q340/2016 Yellow-legged Gulls – Number of breeding pairs	38
Q341/2016 Litter Committee – Meetings during 2015	39
Q342-348/2016 Dog fouling – Complaints to Royal Gibraltar police.....	40
<i>The House recessed at 5.05 p.m. and resumed its sitting at 5.35 p.m.</i>	42
Q349/2016 Cleaning Gibraltar – Government contracts	42
Q350/2016 Mount Alvernia – Government workers	43
Q351/2016 Mount Alvernia – Non-Government workers	43
Q352/2016 Primary Care Centre counter – Non-Government workers.....	44
Q353/2016 Primary Care Centre counter – Government workers.....	44
Q351-352/2016 Supplementary questions.....	44
Q354-356/2016 Antenatal classes, births and maternity staff – Details	45
Q357/2016 St Bernard’s Hospital operations – Cancellations.....	47
Q358/2016 Ambulance decontamination – Health risks.....	50
Suspension of Standing Orders.....	52
Standing Order 7(1) suspended to proceed with a Government Statement.....	52
Post-Brexit Meetings in London.....	52
Statement by the Hon. the Chief Minister	52
Questions for Oral Answer continued	58
Health, the Environment, Energy and Climate Change	58
Q359/2016 Ambulance service – Plans to relocate	58
Q360/2016 Dementia residential care facility, Old Naval Hospital – Service provider	59
Q361/2016 Dementia day centre – Progress.....	61
Q362/2016 Old Naval Hospital dementia facility – Panel of experts.....	63
Q363-364/2016 GHA Complaints – Complaints received	64
Q365/2016 External health referrals – Reasons, institutions and costs.....	65
Q456/2016 Primary Care Centre – Complaints.....	68

Q457/2016 St Bernard's Hospital – Security re dementia patients	70
Q458-468/2016 General Medical Council – New framework	71
Q469/2016 St Bernard's Hospital – Number of surgeons	78
Q470/2016 St Bernard's Hospital – Bullying of junior doctors.....	79
Q471-472/2016 Xanit Hospital – Transfer of patients by ambulance	80
Q473/2016 Xanit – Monthly payment.....	82
.....	86
Q360/2016 Dementia residential care facility, Old Naval Hospital – Service provider.....	59
Q361/2016 Dementia day centre – Progress	61
Q362/2016 Old Naval Hospital dementia facility – Panel of experts	63
Q363-364/2016 GHA Complaints – Complaints received	64
Q365/2016 External health referrals – Reasons, institutions and costs	65
Q456/2016 Primary Care Centre – Complaints	68
Q457/2016 St Bernard's Hospital – Security re dementia patients	70
Q458-468/2016 General Medical Council – New framework	71
Q469/2016 St Bernard's Hospital – Number of surgeons	78
Q470/2016 St Bernard's Hospital – Bullying of junior doctors.....	79
Q471-472/2016 Xanit Hospital – Transfer of patients by ambulance	80
Q473/2016 Xanit – Monthly payment.....	82
<i>The House adjourned at 8.11 p.m.</i>	86

The Gibraltar Parliament

The Parliament met at 3.04 p.m.

[MR SPEAKER: Hon. A J Canepa GMH OBE *in the Chair*]

[CLERK TO THE PARLIAMENT: P E Martinez Esq *in attendance*]

PAPERS TO BE LAID

Clerk: Wednesday, 29th June 2016 – Order of Proceedings.

(vi) Papers to be laid. The Hon. the Chief Minister.

5 **Acting Chief Minister (Hon. Dr J E Cortes):** Mr Speaker, as Acting Chief Minister, I have the honour to lay on the Table: the Consolidated Fund Pay Settlement – Statement No.1 of 2014/2015; the Consolidated Fund Supplementary Funding – Statement No. 2 of 2014/15; the Consolidated Fund Reallocations – Statement No. 3 of 2014/15; the Improvement and Development Fund Reallocations – Statement No. 1 of 2014/2015.

10

Mr Speaker: Ordered to lie.

The Hon. Mr Cortes again.

15 **Hon. Dr J E Cortes:** And on behalf of the Deputy Chief Minister, I have the honour to lay on the Table: the Air Traffic Survey Report 2015.

Mr Speaker: Ordered to lie.

20

Clerk: The Hon. the Minister for Tourism, Housing, Equality and Social Services.

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, I have the honour to lay on the Table: the Tourist Survey Report 2015; and the Hotel Occupancy Survey 2015.

25

Mr Speaker: Ordered to lie.

Clerk: The Hon. the Minister for Sports, Culture, Heritage and Youth.

30 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, I have the honour to lay on the Table: the Accounts for the Gibraltar Heritage Trust for the financial year ended 31st March 2015.

Mr Speaker: Ordered to lie.

35 And I myself have the honour to report that in accordance with Standing Order 12(3) the Ombudsman's Annual Report for the year ending 31st December 2015 has been submitted to Parliament. I now rule that it has been laid on the Table.

Questions for Oral Answer

HEALTH, THE ENVIRONMENT, ENERGY AND CLIMATE CHANGE

Q289-290/2016

Glass lookout, Mount Misery; Royal Anglian Way suspension bridge – Progress, costs and maintenance

Clerk: (vii) Reports of Committees; (viii) Answers to Oral Questions.
We commence with Question 289/2016, the Hon. L F Llamas.

40

Hon. L F Llamas: Mr Speaker, when is the glass lookout at Mount Misery expected to open and what are the insurance and maintenance costs expected to be?

45

Clerk: Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, I will answer this question together with Question 290.

50

Clerk: Question 290, the Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, when is the Anglian Way suspension bridge expected to open and what are the insurance and maintenance costs expected to be?

55

Clerk: Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

60

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, the glass lookout or skywalk at Mount Misery is expected to open in October. The Royal Anglian Way suspension bridge was opened by the Hon. the Chief Minister on Tuesday, 21st June.

There are no insurance costs for either as the Government is self-insuring.

In relation to maintenance for both, the Nature Reserve maintenance team will manage the general day-to-day maintenance which will include cleaning and odd jobs as and when required.

65

Arrangements for more specialised maintenance are currently under consideration.

Hon. L J Llamas: Does the Hon. Minister have an indication of what those specialised maintenance may be or is it just a starting project?

70

Hon. Dr J E Cortes: Yes, Mr Speaker, particularly in relation to the bridge which has already opened. In relation to the skywalk, the technical documents are being studied and presented and will be handed over at the time of handing over of the skywalk.

75

In relation to the bridge, we have the manuals and what we are looking at is what the costs and so on are going to be. They are not expected to be more than a few thousand pounds a year. It is mainly checks on such things as the cabling and so on and so forth which have to be done by people who know what is involved and that is what we are studying at the moment.

Because it is brand new, this will not be required, I believe, until approximately one year's time and we are quite far advanced in knowing what arrangements we are going to be putting in place.

80 **Hon. R M Clinton:** If I may, can the hon. Member advise us of any anticipated charges for the use of the skywalk or the bridge in future?

Hon. Dr J E Cortes: Mr Speaker, the bridge has been opened and there has been no additional charge and no charge at all introduced. There are no plans at the moment. As the House knows, we are reviewing all sorts of different aspects about the Upper Rock, but there is no specific plan at this point in time to introduce charges.

That does not mean that when we have developed the Upper Rock Project further, there may not be changes. But at this moment, none are envisaged.

90 **Hon. D A Feetham:** Mr Speaker, in relation to the insurance, the hon. Gentleman said that the Government was self-insuring. It means obviously that the Government has decided not to take any insurance and will pay any claims if they arise.

Is this a conscious decision by the Government to take out no insurance, or is it for example that the quotes that the Government has received from insurance companies the Government felt were prohibitive?

Did the Government explore the possibility of obtaining insurance or from the very beginning did the Government just simply make a decision they were going to be self-insuring and not seek any quotes from insurance companies?

100 **Hon. Dr J E Cortes:** There was no initial intention to have specific insurance. I think it must be stated that both structures, and I can speak from personal experience of the bridge which I have already crossed, are extremely safe. They are built to very, very safe specifications and are probably safer than the average walk on the Upper Rock. Therefore we do not feel that there are any particular dangers involved at this stage, but as I say the whole policy for the Upper Rock is being reviewed and these are things that may be considered in the future.

Hon. D A Feetham: Yes, Mr Speaker, the reason why I ask is that ... Of course, the structure is going to be a safe structure; nobody is talking about a structure actually falling and for the avoidance of doubt, there was no implication in my question that that is the case. It is that of course, if you have for example young children who are crossing this particular bridge it is unsupervised, you may have implications, legal implications in terms of if there is an accident on the bridge involving young children or anybody else.

It is in that context that I am asking whether the Government has sought any kind of view on the insurance aspects of this particular project or not?

115 **Hon. Dr J E Cortes:** Mr Speaker, I will not rule out anything. These are things that can always be studied, but I have to state again that it is very safe – not just from the point of view that the bridge is in no danger of collapse, but from the point of view that it is actually safe. The Hon. Leader of the Opposition actually lives closer to the bridge than probably anybody else in this Chamber, I do not know whether he has experienced it himself, but apart from the fact that it is under supervision, it is also safer from that respect because there are high barriers on either side. It is not a place that you can fall off.

As I say, it is probably safer than a lot of other areas on the Upper Rock or any other mountain trail that one might go on anywhere else in the world. It is not considered to be a high-risk structure.

Hon. D A Feetham: Thank you very much, Mr Speaker.

And in relation to maintenance costs, the hon. Gentleman said there would be some cost. Now, I would have expected the Government to know precisely how much the maintenance cost is going to be and I would ask the hon. Gentleman to give us the information.

Hon. Dr J E Cortes: Mr Speaker, we have an estimate of what we expect the maintenance cost for the bridge, which has been handed over, to be. I said, 'a few thousand pounds'. If memory serves me right, it may be something like five or six thousand pounds a year. It is a question of finding quotes to see who would be providing those services.

So we have an idea but we are waiting to see proposals for the maintenance. As I said, some of the maintenance is going to be done in-house by the Upper Rock management team. We are talking about cleaning and basic things like that.

Hon. R M Clinton: If I may, would the hon. Gentleman be able to advise if there are any security arrangements in place for the bridge and the skybridge at night, and if so, what if any measures have been taken to manage the apes in the area?

Hon. Dr J E Cortes: There is security. Security is going to be provided throughout. The security is briefed and there are signs at either end of the bridge asking people not to cross when there are monkeys on the bridge – only because in a confined space, monkeys do not particularly like that and may react.

But they are tending not to use the structure at the moment. Everybody expects monkeys to love jumping up and down on bridges but they have not been seen doing that on a regular basis. But there is a security presence and also signs on either end. It is the same as if you face a monkey on Charles V Wall, which is a narrow area and that is the only time when it is possible that a monkey might find itself confined and may attack.

So people have been warned clearly and there is somebody there warning people, should they see monkeys on the bridge, then go round the path and not cross it. But technically, if you come face to face with a monkey in a restricted area anywhere, that is a fact of life.

Hon. T N Hammond: Mr Speaker, the Minister referenced security for the suspension bridge. Can he just describe in a little more detail what that security comprises?

Hon. Dr J E Cortes: Yes, there is a security guard present on site.

Hon. T N Hammond: Is that an additional security guard and so therefore, is that included in the maintenance costs of the bridge, if you like?

Hon. Dr J E Cortes: We have an arrangement with a security firm to carry out security duties throughout the Upper Rock – environmental security which includes being at some of the Macaque sites and so on to warn people off and so on – so it is included in that package and it is a question of them re-deploying in different areas but always making sure that there is somebody by the bridge.

So it is not an additional cost; it is just a re-arrangement of the current security arrangements.

Hon. T N Hammond: Thank you. And just to get clarification for my purposes, the Minister referenced the Nature Reserve management maintenance scheme. It is not a document I am familiar with obviously. Is that purely an internal document or is that one that may be available?

Hon. Dr J E Cortes: Maintenance *team*.

Hon. T N Hammond: My apologies, I heard 'scheme'.

Hon. Dr J E Cortes: Maintenance team: it is the team that has been in place now for about eight or nine years which does work on the Upper Rock.

185 **Hon. T N Hammond:** My apologies, I misheard that. I heard scheme so I thought it was a programme of some sort.

Thank you.

190 **Hon R M Clinton:** If I may ask one final question. Just from a point of view of security again: at night, is the site secure?

Hon. Dr J E Cortes: Arrangements are being made for a security presence day and night.

Q291-292/2016

**Unlawful incursions into British Gibraltar Territorial Waters –
Details of Spanish fishermen**

Clerk: Question 291, the Hon. T N Hammond.

195 **Hon. T N Hammond:** Mr Speaker, can the Minister for the Environment state how many unlawful incursions into British Gibraltar Territorial Waters have taken place by Spanish fishermen since May 2015, broken down on a monthly basis and how many of these have ended up with a fine, appropriation of a boat, or the confiscation of their assets?

200 **Clerk:** Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, I will answer this question together with Question 292.

205

Clerk: Question 292, the Hon. T N Hammond.

210 **Hon. T N Hammond:** Can the Government say how many vessels have been boarded by either the RGP, GPA or any other agency in order to check for compliance with the Marine Protection Regulations since 1st June 2015; and would the Government provide a breakdown of how many of the vessels were local and how many were foreign?

Clerk: Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

215

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, I hand over to the hon. Member a schedule containing the information on the number of incursions into BGTW by Spanish fishermen since May 2015.

220 On the subject of boarding of vessels, this has been done by the Royal Gibraltar Police and relates to two tuna fishing cases, both foreign.

The Department's Environmental Protection and Research Unit has five cases which are being reported for process, including four cases of seizures of equipment. All relate to Spanish nationals.

ANSWER TO QUESTION 292/2016

Answer to Question 291/2016

FISHING INCURSIONS

YEAR	MONTH	INCURSIONS	
2015	May	6	
	June	17	
	July	20	
	August	18	
	September	24	
	October	11	
	November	13	
	December	17	
	2016	January	11
		February	10
March		12	
April		13	
May		11	
June		0	

225 **Hon. T N Hammond:** Mr Speaker, there is a little bit of data here. In order to keep proceedings moving, I am happy, as long as I am afforded the opportunity, to come back should it become necessary.

Q293-294/2016

Bluefin tuna –

Tonnage caught and registered in Gibraltar

Clerk: Question 293, the Hon. T N Hammond.

230 **Hon. T N Hammond:** Can the Minister for the Environment state what has been the tonnage of Bluefin tuna caught and registered in Gibraltar since the current legislation was enacted?

Clerk: Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

235

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, I will answer this question together with Question 294.

Clerk: Question 294, the Hon. T N Hammond.

240

Hon. T N Hammond: Further to the answer given to Question 304/2015, can the Minister for the Environment state (a) the information available so far in the Department of Environment Fisheries database; and (b) the figures for the fish tagging programme and type?

245 **Clerk:** Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

250 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, the tonnage of Bluefin tuna caught and registered in Gibraltar since the current legislation was enacted – that excludes this year, the season only started about a week or so ago, so it is last year's figures, Mr Speaker – is 13.473 tonnes.

The information available in the Department of the Environment Fisheries database consists of data pertaining to the licences issued to date for all the different licence types available under the Marine Protection Regulations.

255 The figures that are currently available for the fish tagging programme are as follows: Bluefin tuna tagging, 88 specimens; White Bream tagging, 19.

Hon. T N Hammond: Mr Speaker, just reference the Bluefin tuna catch, 13.473 tonnes – that would be almost half a tonne over the legal limit?

260

Hon. Dr J E Cortes: Yes, Mr Speaker. The explanation for that is that tuna come in and they are weighed. You then assess the tonnage at the end of the day and it just takes two tuna to go over by 400 kilos. Therefore I do not have the exact details but you cannot have the precise cut off at 13. So as soon as it was seen that the data came over 13, it was stopped. There is always a little bit of leeway.

265

I think we must also remember that includes tuna which were confiscated by the Department because there was a second tuna caught and so on, but the real crucial thing is that you tally at the end of the day and therefore if you were just under 13 you are going to be just over 13 on the actual cut off. That is the reason.

**Q296-299/2016
Fisheries Advisory Committee –
Allocation**

270

Clerk: Question 295 is unallocated, so we move to Question 296, the Hon. T N Hammond.

Hon. T N Hammond: Has the Government established a Fisheries Advisory Committee as recommended by the Fishing Report?

275

Clerk: Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, I will answer this question together with Questions 297 to 299.

280

Clerk: Question 297, the Hon. T N Hammond.

Hon. T N Hammond: Can the Minister for the Environment advise what research, as recommended by the Environmental Action and Management Plan, has taken place for the purpose of EU Marine Strategy compliance?

285

Clerk: Question 298, the Hon. T N Hammond.

Hon. T N Hammond: Can the Minister say if a research programme on the nursery function of BGTW for fish species has been undertaken?

290

Clerk: Question 299, the Hon. T N Hammond.

Hon. T N Hammond: Can the Minister say if it has been possible to establish a code of conduct for dolphin watching, in collaboration with Spanish authorities, as recommended in the fishing report?

295

Clerk: Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

300

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, marine research in British Gibraltar Territorial Waters (BGTW) has taken great strides in the past four and a half years. Following a publication of Gibraltar's initial assessment of British Gibraltar Territorial Waters and the proposals for good environmental status in BGTW in 2012, HM Government of Gibraltar published its Marine Strategy Framework Directive (MSFD) Monitoring Programme in July 2015.

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310

There are currently numerous research areas that are being investigated by the Department of the Environment and Climate Change in line with the monitoring programme and the environmental descriptions included in the programme include: EU-protected habitat types such as reefs; EU-protected species including cetaceans and marine reptiles; non-indigenous species such as invasive algae; contaminants in water and marine biota; marine litter; sea-floor integrity and benthic ecosystems.

A Fishing Working Group has been created.

315

Investigating the nursery functions of different areas within BGTW forms part of the Department's research aims and this led to the creation of No Fishing Zones in Sandy Bay, Seven Sisters and Mid Harbours.

320

As part of this research, the Department installed an underwater camera in spring 2015. The camera is helping the Department monitor fish species amongst other useful bio-indicators within the Rosia Marine Conservation Zone. It is also assisting the Department's marine awareness campaign by providing live underwater footage to the general public.

A code of conduct for dolphin watching known as the Cetacean Protocol has been implemented in British Gibraltar Territorial Waters. This has not been established in collaboration with the Spanish authorities but is similar to the protocol established in Spain under Spanish law.

325

Hon. T N Hammond: I thank the Minister for that comprehensive answer. He did reference the marine camera that has been installed and I admit I too go to the Thinking Green site and do enjoy the images.

330

Does the Minister by any chance know how much the camera costs to situate in that location, how much it costs to maintain and how often it has been unserviceable since its installation?

335

Hon. Dr J E Cortes: I would need notice. I volunteered the camera information so I would need notice as to the particular cost. It has been out of action several times, as one would expect a camera out at sea is likely to, and obviously has to be serviced. It is generally serviced in-house by the Department's diving team but I would need notice for the more specific information.

340

Hon. T N Hammond: Thank you. And reference the Cetacean Protocol, I understand that we have introduced a protocol which reflects a similar protocol which must exist in Spain. Do Spanish dolphin operators comply with the protocol in BGTW?

345

Hon. Dr J E Cortes: Mr Speaker, I hope so. It is very difficult to police something like that because we are talking about distances and so on and you have to be ... but it is expected that the Spanish operators would. I cannot answer specifically whether there are any occasions where they have not.

Spanish dolphin tour operators tend to do most of their watching on the other side of the median line, but I have no information that they have not. They would be expected to because it is a protocol that has to be followed in BGTW but I have no specific information – and certainly no reports of any instances of it not being followed have come to me.

350 **Hon. D A Feetham:** Yes, Mr Speaker. Mr Speaker tying answers that the hon. Gentleman has given to the questions that he has just dealt with, with also the answers to questions in terms of the incursions from 2015, and just taking the Hon. Minister to the schedule: if the Hon. Minister looks at the schedule that he has given me for fishing incursions, apart from one month where there have been six incursions, the minimum number of incursions a month during those 15 months is 11, the maximum is 24 so there is an average of about 14 or 15 incursions per month.

355 What kind of an impact does the hon. Gentleman believe that these incursions are having on fishing stocks in Gibraltar and the Government's initiatives that of course he has quite comprehensively outlined in his answers to the question a few moments ago?

360 **Hon. Dr J E Cortes:** What an interesting question, Mr Speaker. *(Laughter)* No, genuinely interesting!

Mr Speaker, it is hard to tell because these are figures provided by the RGP which monitor this and this does not tell us and the data I have seen does not provide information on whether these fishing incursions are actually fishing, for how long they are fishing and so on. So it really does depend on whether they are just on their way through and how long and so on.

365 To me, whether the impact is significant is again something that would require data: how many fish have been caught or how many shellfish have been raked. To me all those are things that I would not like to see, it is absolutely clear.

The only thing I can say is that the people I have spoken to who fish in Gibraltar waters from Gibraltar recreationally have commented on increases in fish stocks. We have had reports of whales spending considerable periods of time within BGTW and humpback whales feed very largely on fish. So I think that there will be an impact. I do not think it is stopping the recovery of stocks.

370 Clearly I would like there to be zero incursions. That is nothing that is going to surprise anybody. Scientifically, I am unable to say because I just do not have the scientific information to analyse that.

Q300-302/2016
Dust and water pollution –
Monitoring and fines

Clerk: Question 300, the Hon. T N Hammond.

380 **Hon. T N Hammond:** Can the Minister for the Environment say if a method for the quantification of African dust intrusion has been developed?

Clerk: Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

385 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, I will answer this question together with Questions 301 and 302.

Clerk: Question 301, the Hon. T N Hammond.

390 **Hon. T N Hammond:** Can the Minister for the Environment say if a rain gauge has been installed at the Rosia Road monitoring station?

Clerk: Question 302, the Hon. T N Hammond.

395

Hon. T N Hammond: As a part of the strict application of the 'polluter pays' principle set out in the Environmental Action and Management Plan, can the Minister for the Environment say what fines have been issued since 2011?

400 **Clerk:** Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, in answer to Questions 300 and 301, yes sir, it has to both questions.

405 In answer to Question 302, the Environmental Agency has instituted legal proceedings for breaches of the Environment (Control of Dust) Regulations 2010 in 2016 and three fines have been imposed.

Q303/2016

Bathing water standards – Revision

Clerk: Question 303, the Hon. T N Hammond.

410

Hon. T N Hammond: Mr Speaker, can the Minister for the Environment say if the required standards for bathing water have been revised since 2012?

415 **Clerk:** Answer the Hon. the Minister for Health, the Environment, Energy and Climate Change.

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, yes they have.

420 **Hon. T N Hammond:** Mr Speaker, as they have been revised, have those revisions been made publicly available? They may well have been; I am just not aware of having seen anything to that effect or any announcement to that effect.

425 **Hon. Dr J E Cortes:** Mr Speaker, I would have to check. I believe they have. I believe they have been referred to in press releases. I have no problem in summarising what they are if that would be of assistance.

430 This is a new Bathing Water Directive which was adopted in 2006 which led to progressive improvement in ... It was aimed at achieving progressive achievement in water quality and the new requirements came into force in 2015 so they are effective from this year. And so they now require monitoring of two microbiological indicators of faecal contamination, E.coli and intestinal enterococci.

At the end of 2015 bathing sites were classified into four categories: excellent, good, sufficient or poor. These specifications are based on an analysis of sample results in 2015 and the preceding three years cumulatively. They are considered together.

435 Additionally, the current water quality has now got to be classified as acceptable and low, depending on the number of organisms seen in the samples taken. That is a brief synopsis.

440 **Hon. T N Hammond:** And bearing in mind the EU report on the waters, which I know we have already gone through in the press so I do not want to necessarily re-open that discussion, does any independent monitoring of our waters and the quality of our waters take place?

Hon. Dr J E Cortes: Not to my knowledge. This is sampled by the Environmental Agency so I have no reason to think that they need to have independent scrutiny, but I am not aware of anybody who does it separately.

445 I think that it is relevant to say without entering into any discussion that we have already had, and it is in the public domain, that the 2015 quality taken on its own is better in all cases than the four-year average, which includes 2015 which obviously shows improved water quality, with the exception of Western Beach, which remains poor as an average, as we know, and Little Bay which remains good. It has not gone like, for example, Eastern Beach which has gone from good
450 to excellent and so on.

So the quality was better last year than the four-year data, which I think is a good sign but in answer to that supplementary, I am not aware of any independent sampling and certainly we do not do it, other than the Environmental Agency.

Q304-305/2016

**Countering vandalism and litter across Upper Rock –
Maintenance programmes; CCTV cameras**

455 **Clerk:** Question 304, the Hon. T N Hammond.

Hon. T N Hammond: Mr Speaker, in November of last year, the Government announced ‘the implementation of efficient continuous maintenance programmes backed by anti-litter measures, to counter vandalism. CCTV cameras were also deployed across all tourist sites within
460 the Upper Rock.’ Can the Government describe in more detail, these maintenance programmes, in particular anti-litter measures, and whether any fines have resulted from these measures?

Clerk: Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.
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Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, I will answer this question together with Question 305.

Clerk: Question 305, the Hon. T N Hammond.
470

Hon. T N Hammond: Can the Government say how many CCTV cameras have been deployed across the Upper Rock and where are they located?

Clerk: Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.
475

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, the Gibraltar Nature Reserve Management Team, as well as the maintenance team of the Gibraltar Tourist Board, carry out regular maintenance works within the Upper Rock.
480

The maintenance programme is wide ranging and includes the removal of litter and graffiti, clearing footpaths and vegetation, restoring historic structures and street furniture, as well as other routine tasks.

In addition to the installation of CCTV across tourist sites, the most significant anti-litter measure carried out has been the deployment of environmental security guards and environmental protection officers.
485

No fines have been issued to date.

There are 57 CCTV cameras across the Upper Rock.

Q306/2016

**Rock of Gibraltar and Upper Rock Management Plans –
Publication**

Clerk: Question 306, the Hon. T N Hammond.

490

Hon. T N Hammond: Would the Minister for the Environment advise when the Government will be publishing the Rock of Gibraltar Management Plan and Upper Rock Management Plan?

495

Clerk: Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

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Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, the draft Nature Reserve Management Plan is ready – you can see it here – and will be published as a consultation document within the next few weeks. It will be available online from the Department of the Environment and Climate Change website.

505

Hon. T N Hammond: Just so I have complete clarity then, that is the document, and I did not quite catch what it was called, that is covered by the descriptions in the Environmental Action Management Plan?

510

Hon. Dr J E Cortes: Mr Speaker, when we undertook to carry out the Upper Rock Management Plan it was still called the Upper Rock Nature Reserve, but because of the expansion it is now called the Gibraltar Nature Reserve and therefore, although largely it will refer to the Upper Rock, it will also refer to other areas. So the full name is the Gibraltar Nature Reserve Management Plan.

515

I must say, Mr Speaker, that we were going to publish this a couple of weeks ago and then notice came of the question and because of the guidance given in the past, I thought it would be improper to just put it on the website and tell the hon. Member today it is on the website already, but it will be there very shortly.

Hon. T N Hammond: I very much appreciate that action on the part of the Minister.

The original timescale for that plan was actually to be completed by 2013. Can the Minister explain why there has been such a substantial delay?

520

Hon. Dr J E Cortes: Because it is a lot of work, Mr Speaker, and most of the work has been done by one of the senior members of the Department of the Environment and Climate Change, Steven Warr, who is also leading on all sorts of other areas. But also the importance of widespread consultation and every time one reads it, you say, 'Well okay, this we need to discuss with another stakeholder.' It has really been in process, also because as I said before, the Gibraltar Nature Reserve is now bigger than just the Upper Rock and has to take other sites into consideration, but I am glad to say that we are there.

525

Q307-308/2016

**Upper Rock and Marine Nature Reserves –
Watering points; vulnerability assessments**

530

Clerk: Question 307, the Hon. T N Hammond.

Hon. T N Hammond: Can the Minister say how many extra watering points have been placed across the Upper Rock Nature Reserve?

535

Clerk: Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, I will answer this question together with Question 308.

540

Clerk: Question 308, the Hon. T N Hammond.

Hon. T N Hammond: Can the Minister say if any vulnerability assessments have been conducted for habitats and species within the Upper Rock and Marine Nature Reserves, as recommended by the Environmental Action Management Plan?

545

Clerk: Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

550

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, five extra watering points have been created across the Upper Rock.

Mr Speaker, in answer to Question 308, yes, vulnerability assessments are being carried out by the Department in both the Upper Rock and the Marine Nature Reserve.

555

Hon. T N Hammond: And is the Minister aware for what species or habitats these assessments are being conducted for?

Hon. Dr J E Cortes: Mr Speaker, generally. Surveillance monitoring data is collected by the Department, by Government contractors and by NGOs in both the terrestrial and the marine sites and they are used to determine the vulnerability of different habitats and species.

560

The Barbary Partridge is one that comes to mind which has resulted in our reintroduction programme, which as we know has been successful. Maybe limpets are another one: the Mediterranean Rib Limpet, which is the one with special protection.

565

I cannot specifically give a list of everything – well, I suppose I could if I sat down and thought about it, but those are two specific examples. It is general monitoring and then you focus.

Yes, another example: the Lesser Kestrel is being monitored. Unfortunately it seems that from 20 pairs five or six years ago, there is only one pair left, probably due to the fact – anecdotally I can give it to you now – that they have to fly further and further away to feed in Spain, as La Linea has expanded.

570

So those are the sorts of things that are picked up and then you say, what can we do about it? So right we are going to try and enhance the captive breeding of Lesser Kestrels to see if we can release them. That is the sort of thing I mean.

Hon. D A Feetham: Mr Speaker, just out of interest, it is something that the hon. Gentleman and I speak about occasionally; we have not for some time. I know that in the Upper Rock Nature Reserve in the last one, it outlined that the Government, I think it was our Government, had made an attempt – and the hon. Gentleman was involved in that – to introduce foxes into the Upper Rock and there were a number of foxes that were introduced. Certainly I have never seen any and I wonder whether he can give us some information in relation to that?

575

Also an interesting project in the old Upper Rock Nature Reserve was the introduction of the idea of the Iberian Ibex which was something that again was being planned and I wonder whether that is something the Government intends to do in the near future or perhaps in the future.

580

585 **Hon. Dr J E Cortes:** Mr Speaker, I have no problem in answering those, in fact I am going to enjoy doing so. They are not specific supplementaries but with your leave, Mr Speaker, I will just very briefly answer them if I may.

A decision was taken just a couple of weeks ago, in consultation with the Nature Conservancy Council, to attempt once again the reintroduction of the Red Fox and we have already started
590 sourcing suitable animals. They will be fitted with satellite transmission collars so we can keep tabs on where they are, and that is something that can be put in the public domain.

Regarding Ibex, what has held us back when we have consulted the experts of the species – it is the Iberian Ibex so clearly there were experts in Spain – is the possibility of the fact that they spend a lot of time on cliffs, destabilising cliffs and possibly causing danger. In a place like
595 Gibraltar where we have cliffs overlooking roads and so on, we have taken a step back from that, because we thought although we would love to have Ibex, the risk was too high. Therefore we have stopped that project, sadly. Unless we have other assessments that say otherwise, we thought that public safety, clearly we all agreed, was more important.

Q309-321/2016

Environmental Action and Management Plan –

Biodiversity; electricity and water; tidal currents; grants; transport; development; heritage

600 **Clerk:** Question 309, the Hon. T N Hammond.

Hon. T N Hammond: Can the Minister for the Environment say if the Biodiversity Action Plan described in the Environmental Action and Management Plan has been published?

605 **Clerk:** Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, I will answer this question together with Questions 310 to 321.

610 **Clerk:** Question 310, the Hon. T N Hammond.

Hon. T N Hammond: In the Environmental Action and Management Plan, Government stated that to encourage greater energy efficiency, electricity bills would be revised to provide more
615 information to the end consumer. This would happen by the end of 2014. Can the Minister say what additional information has been made available on these electricity bills?

Clerk: Question 311, the Hon. T N Hammond.

620 **Hon. T N Hammond:** Can the Minister for the Environment say what revisions have been introduced as recommended by the Environmental Action and Management Plan, to the electricity and water tariff system?

Clerk: Question 312, the Hon. T N Hammond.

625 **Hon. T N Hammond:** Can the Minister for the Environment say if the study of tidal current profiles in BGTW as recommended by the Environmental Action and Management Plan has been completed?

630 **Clerk:** Question 313, the Hon. T N Hammond.

Hon. T N Hammond: Can the Government say if any part of the existing electricity grid has been upgraded to allow for the connection of renewable energy, as recommended by the Environmental Action and Management Plan?

635 **Clerk:** Question 314, the Hon. T N Hammond.

Hon. T N Hammond: The EAMP recommends the establishment of a fund for energy efficient home improvements to be in place by 2014: can the Minister say if the fund is in place and how many grants to home owners have been offered through this fund?

640

Clerk: Question 315, the Hon. T N Hammond.

Hon. T N Hammond: The EAMP recommends the implementation of educational programmes to encourage children to walk or cycle to school: can the Minister say how many programmes have been run and at which schools from the start of 2014 to the present date?

645

Clerk: Question 316, the Hon. T N Hammond.

Hon. T N Hammond: Can the Minister say how many cycling proficiency courses, as recommended by the EAMP, have been held since the beginning of 2014?

650

Clerk: Question 317, the Hon. T N Hammond.

Hon. T N Hammond: Can the Minister say on which dates the "In town without my car" days have been held since the beginning of 2012 and, as recommended by the EAMP, which roads were reserved for pedestrians, cyclists and public transport on those days?

655

Clerk: Question 318, the Hon. T N Hammond.

Hon. T N Hammond: Can the Minister say what permanent measures have been introduced since 2013 which have been aimed at contributing to modal transfer from the private car to an environmentally sound means of transport?

660

Clerk: Question 319, the Hon. T N Hammond.

665

Hon. T N Hammond: Can the Minister confirm whether all Government development projects are now subject to the planning process as recommended by the EAMP?

Clerk: Question 320, the Hon. T N Hammond.

670

Hon. T N Hammond: Considering the volume of imminent development, is Government intending to apply the recommendation in the EAMP that any new development includes a minimum of 5% total land area as green areas?

675

Clerk: Question 321, the Hon. T N Hammond.

Hon. T N Hammond: Can the Government say how much progress has been made towards the creation of an Environmental Heritage Register as described by the EAMP?

680

Clerk: Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, I will take the questions in turn. They have been put together because they all refer to the EAMP and it was, I think, a convenient way of dealing with them.

685

The EAMP actually, Mr Speaker, does not say that a Biodiversity Action Plan was going to be published, but rather that the existing plan was going to be implemented and this work is currently ongoing.

690

The electricity and water bills now include a graph showing the last 12 months of usage. This allows consumers to identify patterns in their energy consumption. The information will allow customers to take informed decisions on daily habits which will lead to energy as well as cost savings. Similarly, customers will be able to see whether the measures taken to reduce consumption are having the desired effect.

In relation to Question 311, no changes have been introduced to date.

695

Question 312: a study of tidal current profiles was conducted by French oceanography company Énergie de la Lune.

700

Question 313: the Government through the GEA continues to invest in the upgrade of the electricity grid, not only to allow for the connection of renewable energy as recommended by the EAMP but also as an integral part of the construction of the new gas-fired power station at North Mole. At low voltage, most schemes can already be accommodated.

Question 314, the fund has not yet been set up. However, interested parties can apply to the Ministry of Finance for loans for projects which will result in energy and efficiency and renewable energy benefits. The placing of solar panels on the roof of Sir William Jackson Grove is an example of such an initiative.

705

Question 315, the Department of the Environment and Climate Change has an ongoing environmental education programme through which the departmental scientists visit all schools every year to talk to different year groups about environmental issues. The issue of traffic and pollution and the ways in which they can help to tackle these, such as by walking, cycling or taking the bus to school, are addressed every year.

710

Thirty-three cycling proficiency courses have been held since 2014.

An 'In town without my car' day was held on Saturday, 22nd September 2012. Secretary's Lane, Governor's Lane, Convent Place, Convent Lane and the southern end of Main Street were closed to vehicular traffic from 10 a.m. till 7 p.m.

715

During subsequent years, time and resources have been focused on developing the Sustainable Traffic, Transport and Parking Plan. However, I am pleased to say, that an 'In town without my car' day will be held again this September on Sunday, 18th with Secretary's Lane, Governor's Lane, Convent Place, Convent Lane and the southern end of Main Street, and Line Wall Road up until the junction with the Haven all being closed to vehicular traffic for the day.

720

In answer to Question 318, a number of fiscal incentives have been introduced with this aim. There is a £1,000 cash back available to those who register an electric or hybrid vehicle and import duty on these vehicles has been reduced to zero. New Euro VI engine buses have been purchased, routes have been reviewed and refined, a night bus service was introduced and most recently, real time information for a number of bus routes has been made available.

725

Question 319: all Government projects go through the planning process for guidance and advice. Issues discussed at the planning stage are then considered and usually adopted by Government. Additionally as part of the green filter policy adopted by this Government when we first came into office, Government projects are referred to the Department of the Environment for environmental considerations. The new Town Planning Act will require Government projects to be processed formally.

730

In answer to Question 320, yes, the Government will continue to apply this policy which it currently does through the planning process. It is a standard condition included by the Department in their reviews of new development building applications. Where this is not feasible, alternatives are suggested such as green roofs and increase in trees and planters within the development.

735 In answer to Question 321, the Department is working on a draft register of sites.

Hon. T N Hammond: Just going back to Question 314, I can therefore confirm that no fund has at this point been established for this purpose?

740 **Hon. Dr J E Cortes:** Mr Speaker, that is what I said, at this point in time.

Hon. T N Hammond: And for Question 310, no amendments have been made to the electricity bills either. I made a note but I was not sure that I heard you correctly.

745 **Hon. Dr J E Cortes:** Mr Speaker, the bills are different. They now have, as I explained, the information regarding consumption. There is a chart which shows you how much you have spent in the previous 12 months and then you can compare that. That is the information that is now provided which was not provided in the old format.

750 **Hon. T N Hammond:** And for Question 317, and again I think I heard the Minister correctly when he said that no 'In town without my car' days had been held since 2012 but there was one planned for later this year, on Sunday 18th September, I think I heard.

Does the Minister think it is appropriate to hold such a day on a Sunday, when perhaps it is certainly convenient in terms of traffic, but it is hardly encouraging the daily commuter, who may be encouraged to try a different mode of transport to get to work, to actually take that option if they do not have to go to work and will more likely be going, on that date, potentially to beaches and places, and avoiding town with their car anyway.

760 **Hon. Dr J E Cortes:** Well, there are different patterns at weekends. That is clearly something that is obvious. But I think our message is clear. There are people who will use their cars at weekends and on Sundays to perhaps go to lunch somewhere and different types of activities, including going to the beach and they will have to take alternative routes.

So I feel that it does make a statement and my regret is that we have not done it on an annual basis, but as I explained before, initially this was an NGO initiative by the 'In town without my car' group. It was only in 2012 that the Government decided to support it and get involved.

765 But we have been putting our resources towards the traffic plan. I am hoping that this year will be the start of more regular events such as this. The fact that it happens to be my wife's birthday is an absolute coincidence.

770 **Hon. T N Hammond:** I accept what the Minister said and it is a scheme to be applauded, which is why I am somewhat surprised. I thought I had just missed the day somehow over the last three years. I had not genuinely realised that it had not occurred at all. It is a pity.

Bearing in mind it is going to be held on a Sunday and the bus service, for instance, tends to run with less frequency on a Sunday, on that particular day will the bus services be enhanced to give people the opportunity to use the bus perhaps?

775 **Hon. Dr J E Cortes:** Mr Speaker, this is something that I have not been briefed on by the Department. It may be the case, I do not have that information. I will enquire and take it up as a possibility. Clearly, one of the things we want to do is to encourage walking. In some cases for some of our citizens that is not an option, but I will need to look into that.

780 **Hon. T N Hammond:** I come back to the fact that the day is being held on a Sunday because it does feel a little like this is not in the spirit of the day. I presume it is programmed in for this year and nothing can be changed in that respect, but I wonder if in future years the Government may consider holding such an event on a weekday to encourage commuters to experiment with

other modes of transport – particularly if eventually we get a ReadyBike scheme and other alternate means of arriving at destination.

790 **Hon. Dr J E Cortes:** Mr Speaker, I have listened to what the hon. Member has said and it is something that can be looked into. I have not been involved personally in choosing the date so I really need to enquire, but the principle remains the same and I think the fact that the Government is now doing it is a significant step.

795 **Hon. R M Clinton:** Mr Speaker, if I may refer the hon. Member back to Question 314 which has a finance angle to it. He mentioned that although there was no fund in place, applications could be made to the Ministry of Finance for loans for energy-efficient home improvements. Does he have any idea about the minimum/maximum amount of loans and what criteria will be used; and does he intend to issue a statement or make this more publicly known?

800 **Hon. Dr J E Cortes:** No, Mr Speaker, I do not. I would need notice of that and if he will write to me, I would pass it, obviously, to the Financial Secretary. I do know that Sir William Jackson Grove obtained funding in that way. I know that there were other people who applied but I am not sure of the outcome. I do not have that information here.

805 My Department is involved by way of assessing whether it is legitimately energy-efficient, renewable and so on, but not in the actual funding side of it.

Hon. R M Clinton: Mr Speaker, I presume it is an initiative that is supported by his Department and therefore you obviously have a real interest in promoting people to do this. Am I correct in saying that so far to his knowledge the only people who have taken advantage of this type of funding arrangement are housing estates rather than private individuals?

815 **Hon. Dr J E Cortes:** So far as I recall, but that was included by way of an example and I have not consulted or looked into files and so on to see the total amount. So it is as much as I recall at this point in time.

Again, I would need notice if I was going to look into it further or by way of correspondence, I would be happy to assist. It is certainly something that one wants to promote.

820 **Hon. T N Hammond:** Just going back to Question 309, can I just confirm that the existing plan that the Minister is referring to is the 2006 plan published by GONHS? That is the biodiversity plan?

825 **Hon. Dr J E Cortes:** It is the Biodiversity Action Plan published by GONHS which probably has a forward by me in it. That is the one. That is coincidence by the way! That is the one. Perez & Bensusan, I believe it was.

Q322-323/2016
Wave generator –
Cost, funding and output

830 **Clerk:** Question 322, the Hon. T N Hammond.

Hon. T N Hammond: Mr Speaker, can the Government provide a breakdown of the total cost and funding of the wave generator commissioned in May 2016?

835 **Clerk:** Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, I will answer this question together with Question 323.

840

Clerk: Question 323, the Hon. T N Hammond.

Hon. T N Hammond: Can Government provide figures for the daily power output since commissioning and the average hourly power output for the period since commissioning of the wave generator?

845

Clerk: Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

850 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, the EcoWave project has not been funded by the Gibraltar Government. The project was co-funded by the European Union and EcoWave.

The project total cost was broken down as follows: EU Structural Funds, £98,455.70, which is 30% of the cost; Private Sector Investment, £229,729.96, the remaining 70%.

855 The commissioning process commenced on 6th April 2016 and to date the total power generated has been 37Kwh hours.

The average daily output up to the end of May has been 0.672 Kwh hours and similarly the hourly of 0.03 Kwh.

860 **Hon. T N Hammond:** I must confess, I do get slightly confused with these figures sometimes. So 0.672 Kwh as an average hourly output equates to 672 Watts per hour, is that correct? So that is a dozen light bulbs. *(Laughter)*

Hon. Dr J E Cortes: Probably a little bit more than that; several kettles. *(Laughter)*

865 Mr Speaker, I think it is important to say that this is the commissioning period and that during this time, what has been happening is that not all the generators have been working at the same time. Some of them have been done one at a time in order to see how they develop. So this is no reflection of the ultimate output. Also obviously sea state affects this.

870 The full potential is 100 Kw and that has been clear from the outset, but at this moment in time in the initial stages where it is still going through a testing phase, the output is absolutely low, absolutely low that is no secret.

However, the fact that at least an infinitesimal amount of the light lighting us up here today comes from the sea, to me is significant. But clearly it is early days, the plan is to go up to the 5 Mw within the next 12 to 18 months.

875

Hon. T N Hammond: I do apologise, it was not my intention to be facetious. It just sprung to mind, once I realised the level of power output.

So in order to produce those 5 Mw what would be the dimensions? How many wave generators will we need to achieve that?

880

Hon. Dr J E Cortes: It is not necessarily bigger in size. The bigger plant will not be at that location. That location has the potential for some increase, but due to the fact that the pier is very old and structurally, the end of the pier is not safe enough for installing all of these wave generators, there are several other sites that we are planning to use and we are in discussion with EcoWave as to which they would be. But it is not that huge, it is not directly proportional to the ones that are there now.

885

Hon. T N Hammond: Can I just confirm wave generators do require waves to generate energy? It is not like solar panels where daylight is sufficient. They do actually require waves so if you have extended periods with little wave action, there is little energy?

890

Hon. Dr J E Cortes: No, Mr Speaker, any movement will generate.

On the day that the plant was opened, you would have looked at the sea and said it was calm. But if you went into the unit where the generators are, you could see them moving. So any movement will generate wave power.

895

They will act between a wave difference – and I am using memory here – between 40 centimetres and four or five metres wave range. Clearly the higher the range, the quicker the pressure is built up into the cylinders which use a natural oil and the release of the pressure moves the turbines. Any movement will do it, but the more waves and the higher the waves, the more power.

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So one would expect that the winter would be a more productive time than the summer, except when we have a levantera, but any movement will do it. Technically it is supposed to be 40 centimetres to kick it off, but even with less there will be some generation.

905

Hon. T N Hammond: And therefore whilst sites for other potential generators have not necessarily been identified at present, they could work equally well on the east or the west side of the Rock?

910

Hon. Dr J E Cortes: Yes indeed, they have been identified. Several options have been identified and we are discussing with EcoWave which would be the best from the point of view of wave generation and also environmental impact. There are several sites both on the east and west side that have been identified and discussions are in progress to see which would be the ones to be used.

915

Hon. T N Hammond: I presume that while this pilot project has not cost Government any money at this point, the fuller rollout of a project such as you describe would have cost implications to Government?

Hon. Dr J E Cortes: No, Mr Speaker.

920

Hon. T N Hammond: So the incentive for the company to provide this then is presumably that we will buy the energy it produces off them?

925

Hon. Dr J E Cortes: Mr Speaker, in this market power purchase agreements are the way forward. The investment and the risk is purely on the side of the person developing the technology.

930

Hon. D A Feetham: Mr Speaker, what percentage of Gibraltar's electricity output does the Government expect will be produced via this particular source if it does really work to its full potential?

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Hon. Dr J E Cortes: If it is 5 Mw, it would be approximately 15%. If the 5 Mw plant works well and it could be increased to 10 Mw, then that would be 30%. So that is the bracket we are aiming to achieve; 15% is probably the minimum that would satisfy me.

935

Hon. D A Feetham: So effectively 15% of electricity would be produced by a private company that is effectively selling electricity to the Gibraltar Government and that is how it is going to be funded. Correct?

940 **Hon. Dr J E Cortes:** Put that way, yes. Yes I think that is a correct way of assessing it. I would emphasise the benefits of waver power over and above that consideration, but it is a power purchase agreement so we would be buying the power.

I am not going to go into details of the contractual arrangements because there may be time elements and so on, where other things would come into play.

945 **Hon. D A Feetham:** But this would have absolutely nothing to do with the Electricity Authority; this is entirely private.

And could I also ask the hon. Gentleman whether ... and I accept that he may need notice of this and he may not be able to answer it, but is this going to be a potential template – in other words the buying of electricity from a private company – for the expansion of electricity capacity in Gibraltar in other areas – not necessarily, I may add, in relation to the power station. I look at the Father of the House who probably has more information in relation to this than the hon. Gentleman.

955 **Hon. Dr J E Cortes:** Mr Speaker, not necessarily.

Hon. R M Clinton: Mr Speaker, if I may ask the hon. Member, in relation to the power generation, does he have in his mind or does he have information in terms of how long the contract is with EcoWave and is there – obviously there will be in a hire purchase agreement – a contracted rate per unit of electricity is supplied? Can he advise the House what that would be and of course whether that is a more expensive option or cheaper than other sources of power generation?

965 **Hon. Dr J E Cortes:** Mr Speaker, I do not have all the information, I would need notice. The rate is commercially sensitive, but clearly there is a rate, otherwise you do not have a power purchase agreement.

Hon. R M Clinton: But would the hon. Member know if that rate is more expensive than, for example, the envisaged gas fired power station?

970 **Hon. Dr J E Cortes:** Mr Speaker, I hesitate to answer yes or no because I would need to check facts and I am not going to commit myself to something that could then be attributed to me without having had the necessary information.

975 **Hon. D A Feetham:** Mr Speaker, just following on from that, of course we all understand that having electricity generated in an ecologically sensitive way is preferable to something that is not as friendly to the environment, and there is an intrinsic value in that and one has to accept that. But there are obviously balancing exercises to be done in assessing things like this and one is the question of cost.

980 Now, I can understand if it were very expensive compared to other more conventional forms of electricity, that the Government may say, 'Well actually, the reason why we are doing it is because we have to provide 20% of our electricity, renewable electricity by a particular date.' I think it is – if we are to stay in the EU! – I think it is by 2020/2021 that there is a requirement that we move towards 20% of renewable energy.

985 Is that what this is about? Is this integral to the Government fulfilling what were its obligations to provide, to have 20% of renewable energy by 2020/2021? Is that what it is? Because then of course I could understand that, rather than a situation where one is simply going for environmentally friendly but it is going to cost much more – and we still do not know and I am giving him the benefit of the doubt because of course we have not seen the figures. But I just want a flavour of the thinking of the Government in relation to this.

990

Hon. Dr J E Cortes: Mr Speaker, the hon. Member knows who he is asking that question to (*Laughter and interjection*) and he knows that the environmental considerations are extremely important. (*Interjection*) My colleague says 'trumps all', but I do not like using that word in a political context!

995 Mr Speaker, I would not be concerned about renewable energy being more expensive without giving any detail, because as I have said before, I do not think I have them. It is part of an EU obligation of 20% by 2020. I would like to think that we can surpass that and if we are no longer bound by the EU I would like to think that certainly from the environmental point of view, if we do not comply we do not comply because we are *better* and not worse than what the EU currently requires of us.

Hon. D A Feetham: I accept, Mr Speaker, that environmental considerations are extremely important in this day and age and moving towards the future, but Government and the reality of the situation is that financial considerations also need to be weighed in the balance too, when one is considering the various alternatives and if it forms part of the 20%, that is more understandable certainly if it is going to cost far more.

1005 But just looking at the cost to the community in relation to something like this, what is the length of the contract that the Government is envisaging with this particular operator in order to provide that 15% of electricity? Because for this to actually work for the operator itself, one would imagine that we are talking about a fairly lengthy contract. The way that these things work is that the cost, the outlay to the operator is repaid over a period of time, and it is repaid by the sale of the operator to the Government of electricity, which inevitably is going to cost more than conventional ways of funding electricity, but I am interested in the length of the contract if he has any information in relation to that.

1015 **Hon. Dr J E Cortes:** Again, Mr Speaker, it is not directly asked in the questions and I do not want to use my memory in order to do that. So I do not have the information available. It is clearly available to the Government, I do not have it here with me.

1020 But I think we have to bear in mind the benefits to the company as well, and the publicity that this has given them so they may have other considerations, and there are people in the private sector who actually do give the environment importance over and above commercial considerations, and maybe this company is one of them.

Hon. D A Feetham: Yes, and it may well be that in fact we are wrong to assume that it is going to cost more. I would be surprised because there has to be a recoupment of the investment by the company. But I wonder whether the Father of the House knows how long we are looking at in terms of this particular contract for the supply of this particular renewable energy?

1030 **Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano):** I have no involvement in this, Mr Speaker.

Hon. Dr J E Cortes: Mr Speaker, let me just add that it is not that the Government does not know; it is not a direct question being asked and therefore I need to have that information researched.

Hon. D A Feetham: I can assure the hon. Gentleman that I am not calling into question the collegiate credentials of the Government at all and we will ask the question next time round.

Q324/2016
Europa Point sewage outfall –
Monitoring regime

1040 **Clerk:** Question 324, the Hon. T N Hammond.

Hon. T N Hammond: Can the Minister for the Environment say whether the recommendation made in the Southern Waters Management Scheme for a monitoring regime to be implemented for the sewage outfall at Europa has been acted upon?

1045

Clerk: Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

1050 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, yes sir. A multi-faceted monitoring approach is being implemented by the Department to monitor the Europa Point outfall. Bacteriological samples have been collected by the Environmental Agency at different distances from the Europa Point outfall and the Department routinely collects water and sediment samples in the Southern Waters SAC/SPA. Intertidal surveys of Europa Point foreshore are also carried out by the Department.

1055 SAC is Special Area Conservation; SPA is Special Protected Area under the EU Habitats and Birds Directives.

Hon. T N Hammond: And are the results of those investigations published on the Government website?

1060

Hon. Dr J E Cortes: I am not sure whether they are specifically; they are part of a larger project. But if the hon. Member wants to write to me I can provide that information. It is not something that is ... but I could not tell you, there is a lot of information on the website. I could not tell him, Mr Speaker, whether this specifically is there.

Q325-326/2016
Climate change programme –
Government action plan

1065

Clerk: Question 325, the Hon. T N Hammond.

Hon. T N Hammond: Has the Government published a climate change programme and an associated action plan?

1070

Clerk: Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

1075 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, I will answer this question together with Question 326.

Clerk: Question 326, the Hon. T N Hammond.

1080 **Hon. T N Hammond:** Has Government conducted a risk and vulnerability assessment as recommended by the EAMP to better understand the localised impact of climate change?

Clerk: Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

1085 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, in relation to the first question, not yet. I have a very advanced draft with me among these papers, but it is not yet published.

In relation to the second question, a preliminary desk-top assessment of climate risks and hazards was carried out by the Climate Change Adaptation Working Group during the EU Cities Adapt project in 2012.
1090

Hon. T N Hammond: Just reference the second of the two questions: whilst that work was conducted in 2012, there is no definitive risk and vulnerability assessment available to Government at this point?
1095

Hon. Dr J E Cortes: Well, the 2012 work that was done as part of an EU wide project in which Gibraltar was one of the cities that was selected to form part of it, informs the Climate Change Report and therefore it is updated.

The basic data was collected in 2012 as part of the EU Cities Adapt project, so there is a report that exists to look into the risks and vulnerability in relation to climate change generated instances like storm surges, flooding and so on. That work has been done.
1100

Hon. T N Hammond: And has that report highlighted any particular areas in Gibraltar which may be vulnerable in the future by climate change in particular in global temperature increases?
1105

Hon. Dr J E Cortes: Yes, Mr Speaker. Again from memory, the lower lying areas of Gibraltar are ones that are more at risk. A number of works have been done recently to reduce the likelihood of flooding, for example in the Wellington Front area and in Queensway, but this is something that is a problem throughout the world. Unlike some islands in the Pacific, we have not disappeared under the waves, which some islands have.
1110

So the major risks in the foreseeable future are due to storm surges, as we saw some years ago, and those risks have all been looked at as the Hon. the Leader of the Opposition will know from the time that happened as he was in office, works were carried out to strengthen lots of the western seafront and at the moment, any developments on the seafront actually take those risks into consideration when levels and so on are being assessed.
1115

I can for example say that the power station in the North Mole, the reclamation has been informed by the different assessments before in their time and since in our time, to ensure that we have the resilience that the way the climate is going requires of any advanced community.
1120

Q327/2016
Recycling –
Penalties for failure

Clerk: Question 327, the Hon. T N Hammond.

1125 **Hon. T N Hammond:** Has Government conducted any work in examining the feasibility of establishing penalties for failing to recycle or of offering a recycling incentive?

Clerk: Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.
1130

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, yes. The Government has conducted work in both examining the feasibility of establishing penalties for failing to recycle and offering recycling incentives.

1135 **Hon. T N Hammond:** And could the Minister offer us any conclusions which may have been drawn from that work?

Hon. Dr J E Cortes: Yes, Mr Speaker. Because recycling is actually increasing and has increased since we expanded the recycling to include cardboard and paper in 2012 and since rolling out more recycling points and so on, at this point in time we have no intention of establishing penalties because it is still increasing.

The advent of the eco-park which is just maybe six or seven months old – maybe more, one loses track of time, as you well know, in this work – has also increased the amount of recycling. I hope to have figures in my Budget speech which I will deliver sometime next week.

1145 Therefore at this point in time it is not felt necessary to establish penalties but this is something that could always be considered in the future. But at this point in time I am glad to say that the Gibraltar citizen is collaborating and co-operating and therefore we have to encourage by way of positive feedback like I am doing now and not by way of penalty.

Q328/2016

Renewable energy or carbon offset– Developing projects in Morocco

1150 **Clerk:** Question 328, the Hon. T N Hammond.

Hon. T N Hammond: Has Government conducted any work in examining the possibility of developing renewable energy or carbon offset projects in Morocco?

1155 **Clerk:** Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Yes, Mr Speaker, the Government has conducted work in both examining the possibility of developing renewable energy and carbon offset projects in Morocco.

Hon. T N Hammond: And could the Minister elaborate on what that work comprises so far?

1165 **Hon. Dr J E Cortes:** Not very much, Mr Speaker, because this work is not concluded. The Government has received a proposal for carrying out studies on the feasibility of laying cables and also has explored, to some degree, possibilities of protecting areas of woodland in Morocco as part of a carbon trade-off scheme. This was discussed by me in Rabat some time ago with the High Commissioner for Water and Forests, but these are all still in early exploratory stages and therefore I cannot offer any more information.

1170 **Hon. T N Hammond:** Could the Minister perhaps offer a timeline, bearing in mind the original timescale for this work was to be completed by 2015, according to the recommendations of the EAMP? I fully accept that those timelines may be fluid, but is the Minister in a position to be able to say another five years, another two years or give us any ideas in that respect?

1175 **Hon. Dr J E Cortes:** No, Mr Speaker, I am not.

Q329-331/2016
Industrial noise levels –
Steering Group; Noise Bill

Clerk: Question 329, the Hon. T N Hammond.

1180 **Hon. T N Hammond:** Can the Minister say if the Reactive Noise Steering Group has been established in accordance with the recommendations of the EAMP?

Clerk: Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

1185

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, I will answer this question together with Questions 330 and 331.

Clerk: Question 330, the Hon. T N Hammond.

1190

Hon. T N Hammond: Mr Speaker, what work has Government conducted to reduce levels of noise arising from industrial operations?

Clerk: Question 331, the Hon. T N Hammond.

1195

Hon. T N Hammond: Is the Government drafting or intending to introduce a 'Noise Bill' as recommended by the EAMP with an original target date of 2014?

Clerk: Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

1200

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, there is no Reactive Noise Steering Group. There is an Environmental Noise Steering Group and the recommendation of the EAMP was to reactivate this group.

1205

I can confirm that this group was indeed reactivated soon after I took Office. The group has met seven times since 2012. I might add that it is thanks to this Government's reactivation of the group, that potential EU infractions on environmental noise were averted.

In answer to Question 330, industrial operations in Gibraltar are divided into three categories: first, noise from power stations; second, noise from construction sites; and thirdly, noise from the ship repair yard. The Environmental Agency regulates these as follows.

1210

In respect to noise from power stations, the new power station is being designed with the latest noise insulation measures which will be a condition of their IPCC permit.

In relation to construction sites, the hours of operation are subject to conditions imposed by the DPC at the planning stage of an application. Additionally, the Department requires all construction projects to provide a Construction Environmental Management Plan with noise mitigation being one area of control. The Environmental Agency investigates any complaints and if necessary, ensures that Best Available Techniques (BAT) are used in their construction operations. The Environmental Agency takes legal action when necessary.

1215

In relation to Gibdock, the Environmental Agency has monthly meetings with the management of Gibdock to discuss any problems that may arise. There is a standing agreement that no noisy operations will be carried out during the silent hours.

1220

In relation to Question 331, a draft Noise Bill has been introduced but is still work in progress.

Hon. T N Hammond: With respect to Question 331, has the Minister any idea when that Bill may be presented to the House, how far down the line of progress we are?

1225

Hon. Dr J E Cortes: No, Mr Speaker.

Q332/2016
Waste treatment plant –
Award of tender

Clerk: Question 332, the Hon. T N Hammond.

1230 **Hon. T N Hammond:** Mr Speaker, further to Question 449 of July 2015 and Question 8/2016 where the Minister said that he was hopeful that an announcement of an award of a tender for a waste treatment plant would be made in the first quarter of this year, can the Minister state if indeed an award of a tender has been made?

1235 **Clerk:** Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): No, Mr Speaker, an award has not yet been made for a waste treatment plant.

1240 **Hon. T N Hammond:** Could the Minister explain what has caused the delay in the awarding of a tender which in January of this year he was suggesting was imminent?

1245 **Hon. Dr J E Cortes:** Mr Speaker, lots of things have happened in the last few months, in fact in the last year. But we are still looking at the technologies and we are still looking at the funding packages and costs involved.

This is a complex issue; it is an issue that we have to get absolutely right because it is looking after the treatment of waste in Gibraltar for the next few decades. It has to be tied in with the fact that we are also increasing recycling targets. So it is a complex issue and it is taking time to resolve.

1250

Hon. T N Hammond: Mr Speaker, no, I am not at all suggesting that it is not a complex issue but the Minister has had four and a half years now just to bring this project to a point where a contract may be awarded.

1255 Bearing in mind it was a 2011 manifesto commitment also, I am really finding it difficult to understand how we are still in a position, when as recently as January this year, and certainly in July last year, the Minister was giving the impression that a contract award was imminent, that we still find ourselves not having awarded a contract on this very critical environmental project. There is no doubt that of all the things we do, pumping raw sewage into the Mediterranean is probably one of the worst things we do in terms of environmental impact.

1260

I have to ask the Minister surely it is time to resolve whatever difficulties remain with respect to this project and award a tender to a company and get the project moving within a reasonable time period.

1265 **Hon. Dr J E Cortes:** Mr Speaker, it seems that we were talking at cross purposes. I was referring to solid waste; the Member opposite is referring to sewage.

The situation is very similar. Mr Speaker, I am as keen as he and probably keener than most to get this going forward. There is active work going on in order to achieve this. We are not ready yet and the reason we are not ready is that we want to get it absolutely right, and I am sure that we will.

1270

I think that at this point in time that is all that I am able to say. I am confident that we will get it right but it is something that is complex and needs the time for us to achieve it properly.

1275 **Hon. R M Clinton:** Mr Speaker, if I ask the hon. Member – and I have heard this phrase before about getting it absolutely right – does he mean in financial terms or in terms of technology?

1280 **Hon. Dr J E Cortes:** In every kind of way, Mr Speaker. I may have taken four years in doing this: that still gives me another 12 to go before I can compare to other people who never did it. *(Laughter)*

Hon. T N Hammond: I find the last statement by the Minister unnecessary quite honestly. *(Interjections)*

1285 The fact is this was a 2011 commitment for a manifesto which was claimed to have been 100% delivered, yet clearly this particular element was not delivered and it remains a critical infrastructure project and a critical project for the environment.

Can the Minister at least give a commitment that we will have a sewage treatment plant in place and running before the end of this Parliament?

1290 **Hon. Dr J E Cortes:** Mr Speaker, at this point in time, I can say yes. But obviously I have said that before and I have been questioned because it has not happened. So, Mr Speaker, the intention is certainly to do it and we are getting very close but I have nothing further to add.

1295 It is something that as I have said before, I am probably keener than most to have and I am totally committed to it, but at this point in time we are being cautious in the way that we approach it from all sorts of different angles because of the complexities and for every single reason. We have to get this right and right we will get it.

Q333/2016
Nature Reserves –
Invasive plant species

Clerk: Question 333, the Hon. T N Hammond.

1300 **Hon. T N Hammond:** Mr Speaker, within the Nature Reserves, can the Minister describe what activity has taken place to remove invasive plant species?

Clerk: Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

1305 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, invasive plant species have been removed from the following areas of the Gibraltar Nature Reserve: Windmill Hill Flats; Upper Rock; Europa Foreshore; Northern Defences; and the Great Sand Slopes.

In addition, invasives have been removed around Europa Road, which is outside the Nature Reserve.

1310 In no particular order, species removed include *Lantana* spp; *Agave* spp; Hottentot Fig; *Aloe* spp; Bear's Breech; Prickly Pear; and *Pennisetum* spp.

I must here acknowledge the tremendous work in this field being carried out by environmental enthusiast Bart Van Thiesen, on a totally voluntary basis. His work supported by the Department and by GONHS is outstanding and exemplary. *(Banging on desks)*

1315

Hon. T N Hammond: I thank the Minister for the response and I would add to it and also like to show some appreciation for the work that Bart has done in various areas around Gibraltar, not least the foreshore, in removing the invasive species there.

1320 Just on that point, because Bart has shown an enormous amount of energy around the foreshore area and I know he has been working closely with the Department of the Environment in that respect – in terms of the Upper Rock, I may have missed it in my notation, has much work been conducted on the Upper Rock in terms of specifically invasive species, rather than nuisance species?

1325 **Hon. Dr J E Cortes:** Yes, in fact Bart himself did a lot of work in removing Chasmanthe which is a Gladiolus-like plant which was covering large areas of the fire breaks in the St Michael's Cave Area and those have mostly gone. But there has been other work as well done by the Nature Reserve Management Team in the Upper Rock in removing Agaves, Opuntias, Prickly Pears and other species.

1330 The problem of invasives on the Upper Rock is not as great as in some areas of the south and the east and therefore although there is work to be done, there is not so much work there. It is more important to remove invasives from areas like the Europa Point area because that is where the invasive species, which are largely South African, have obliterated a lot of the native vegetation and by removing the invasive species the native vegetation will naturally re-seed. We have already seen great success in that.

1335 So there has been work done in the Upper Rock, not as much, for two reasons: there is not as much there and the more sensitive species are those in the more literal zones around Europa Point and the east side.

Q334/2016
Biodiversity Action Plan 2006 –
Guide for Government

1340 **Clerk:** Question 334, the Hon. T N Hammond.

Hon. T N Hammond: Does the Minister for the Environment believe that the 2006 Biodiversity Action Plan, Gibraltar: Planning for Nature, is still a document which Government should use to guide its hand in the management of the Nature Reserve?

1345 I will just add that the Minister has already answered this question but we may as well, for the record, have it reiterated.

1350 **Hon. Dr J E Cortes:** Yes, Mr Speaker, it is. As is always the case, because of nature's dynamics, there are however some aspects of the plan that need to be updated and these changes are being incorporated into the Gibraltar Nature Reserve Management Plan.

Q335-336/2016
Trees in urban areas –
Number planted since 2014 and cut down since 2012

Clerk: Question 335, the Hon. T N Hammond.

1355 **Hon. T N Hammond:** Can the Minister say how many trees have been planted within urban areas since the start of 2014, by year, and where?

Clerk: Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

1360 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, I will answer this question together with Question 336.

Clerk: Question 336, the Hon. T N Hammond.

1365 **Hon. T N Hammond:** Can the Minister say if any trees have been cut down since the start of 2012, where, and provide the reasons for their removal?

Clerk: Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

1370 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, the information requested by the hon. Member is in the schedules which I now hand over.

1375 If I may just summarise for his benefit, the question asks me how many trees have been removed since 2012, but how many trees have been planted since 2014, so the figures are not directly comparable – but that actually probably works to my advantage.

The total number of trees planted in 2014, 2015 and 2016, so that excludes 2012 and 2013, is 1,811 trees; 51 trees have been removed. So the net increase in trees, even not accounting for those planted in 2012 and 2013, is 1,760 trees.

ANSWER TO QUESTION 336/2016

Answer to Question 335/2016

TREES PLANTED FROM 2014-2016

Area	2014	2015	2016
Camp Bay	13	1	2
Chilton Court		5	
Convent Garden		1	
Corral Road	9		
Devil's Tower Road			72
Dr Giraldi Home			3
Edinburgh Estate		18	
Europort Avenue			7
Europa Advance Road			1230
Gasa	14		1
Gibraltar Bank		9	
Gibraltar Museum		1	
Glacis Estate			1
Harrington Buildings			2
Landport			2
Mid Harbours Estate		2	
MOD			1
Mons Calpe Mews			50
No. 6		2	
Notre Dame School		65	

CONT. ANSWER TO QUESTION 336/2016			
Cont. Answer to Question 335/2016			
Ocean Views		70	
Opposite Glacis Estate	30		
Orange Bastion		1	
Red Sands Estate	66		19
Rosia Road	2		1
Rosia Waste Ground	4		
Secretary's Lane		2	1
Sir Herbert Miles Promenade	5		
Sir William Jackson Grove			30
St Bernards Hospital		4	
Trafalgar Cemetery	6	3	4
Transport Lane Waste Ground		2	
Urban Car Park	44		
Waterport	1		
Waterport Road Containers	3		
Other		2	

Answer to Question 336/2016

Trees removed from 01/01/20012 to Present

Site Address	APDate	Reason for Works
19 EUROPA ROAD	27/04/2012	AFFECTS THE INTEGRITY OF THE RETAINING WALL ALONG EUROPA ROAD
21 SOUTH BARRACK ROAD	20/09/2012	TREE REQUIRES FELLING DUE TO STRUCTURAL DAMAGE TO THE ADJACENT BOUNDARY WALL EXACERBATED BY GROWTH OF IVY FROM CRACK IN THE WALL
ST PAULS SCHOOL	08/03/2013	THE TREE IS CAUSING HEALTH PROBLEMS TO PUPILS AND STAFF, WHO DEVELOP RASHES DURING TERM TIME IN SPRING AND EARLY SUMMER
LOQUAT HOUSE, SOUTH PAVILION ROAD	03/05/2013	REMOVAL DUE TO PROBABILITY OF INFECTION WITH RED PALM WEEVIL
3B ROSIA ROAD	21/03/2013	TREE REQUIRES FELLING DUE TO STRUCTURAL DAMAGE
EDUCATION DEPARTMENT	02/01/2013	REMOVAL OF TREE FOR NEW DRIVE WAY
CANCER CENTRE	22/03/2013	TREE REQUIRES FELLING DUE TO STRUCTURAL DAMAGE
LAND PORT DITCH	17/05/2013	RISK OF FALLING, CAUSING DAMAGE OR EVEN FATALITIES
SOUTHPORT GATE	21/08/2013	DAMAGE TO HERITAGE WALLS
PETANQUE CLUB	04/09/2013	DAMAGE TO HISTORIC WALLS
ST VINCENT HOUSE, 4 ROSIA PARADE	09/12/2013	TREES REQUIRES FELLING DUE TO STRUCTURAL DAMAGE
FLAT C, DEVIL'S GAP	15/01/2014	TREES REQUIRES FELLING DUE TO STRUCTURAL DAMAGE
OLD COACH PARK	16/01/2014	REMOVAL OF TREES FOR NEW HOUSING SCHEME
BISHOP FITZGERALD SCHOOL CAR PARK AREA	14/03/2014	TO ALLOW CONSTRUCTION OF RESIDENTIAL BUILDING
MONS CALPE MEWS	10/02/2015	SERIOUS RISK OF COLLAPSE
PENNY HOUSE, NAVAL HOSPITAL ROAD	23/04/2014	POTENTIAL OF ROOTS DAMAGING THE STRUCTURE OF BUILDING
DR GIRALDI HOME	19/02/2015	REMOVAL OF TREE DUE TO DAMAGE CAUSED BY WINDS AND RESULTING IN TREE BEING AT SERIOUS RISK OF COLLAPSE
JOSHUA HASSAN HOUSE COURTYARD	19/02/2015	TREE HAS BEEN DAMAGED BY RECENT STRONG WINDS
NORTH MOLE ROAD	21/05/2014	CONSTRUCTION OF NEW ENTRANCE TEMPORARY POWER STATION
18-20 BOMB HOUSE LANE	17/03/2015	BASE OF TRUNK AT ADVANCED STAGE OF DECOMPOSITION
6 GOWLANDS RAMP	04/06/2014	TREE HAS BECOME HAZARD FOR PASSERS BY
5D LIBRARY RAMP	25/06/2014	PALM HAS OUTGROWN ITS PLANTER
FORMER ROYAL NAVAL HOSPITAL COMPLEX (BLOCK E NURSES QUARTERS), EUROPA ROAD, GIBRALTAR	10/04/2015	PINE TREE: TO PROVIDE CLEAR ACCESS FROM THE REAR OF THE BUILDING AND ALLOW NEW RAISED LEVEL SEATING/LANDSCAPED AREA FOR PATIENTS.
BISHOP FITZGERALD EXTREME WEST PATIO	09/07/2014	PALM TREE: THE PALM TREE IS BLOCKING VEHICULAR ACCESS TO THE BUILDING
CASTLE RAMP/ROAD TO THE LINES	13/08/2014	TO ALLOW THE CONSTRUCTION OF A ROOF
CORNWALL'S LANE	13/05/2015	ROOTS DAMAGING INTEGRITY OF WALL
WINSTON CHURCHILL AVENUE	15/05/2015	THE PLANTER WILL EVENTUALLY COMPROMISE THE TREE'S SURVIVAL. DUE TO THE NARROW FOOTPATH IT CANNOT BE ENLARGED.
ELLIOT'S BATTERY COMMUNAL PATIO	15/05/2015	AFFECTING FUEL PIPES
LANDPORT DITCH	19/09/2014	THE TREE HAS BECOME A HEALTH AND SAFETY HAZARD AND RISK OF SERIOUS DAMAGE TO THE SURROUNDING STRUCTURES
"LES OLIVES" 2B GARDENERS ROAD	27/07/2015	HIGH HAZARD RATING, TREE GROWING ON RETAINING WALL
	20/07/2015	TREE CONCERNED IS A MEDIUM TO LARGE OLIVE TREE THAT HAS A SERIOUS LEAN OVER AN ADJACENT PROPERTY. IT IS GROWING THROUGH A RETAINING WALL WHICH IT WILL EVENTUALLY CAUSE SIGNIFICANT DAMAGE TO. THE TREE OF VERY POOR FORM AND GROWING IN THE WRONG PLACE. THE TREE COULD FALL INTO THE NEIGHBOR'S PROPERTY AND THEREFORE A DANGER.
EUROPA ESTATE	30/10/2014	TREE IS DISRUPTING ROAD AND PAVEMENT CREATING A SIGNIFICANT HAZARD
HOSPITAL RAMP AREA OF EX-ST BERNARD'S HOSPITAL	30/07/2015	AREA IS NEEDED TO IMPROVE TRAFFIC CIRCULATION FOR NEW SCHOOL IN AREA
QUEENSWAY ROAD, EDINBURGH ESTATE	03/11/2014	REPLACEMENT IN ORDER TO IMPROVE THE AESTHETICS OF THE AREA
BYMPTON PROPERTY, BORDER WITH PENNY HOUSE PATIO	10/08/2015	INFESTED WITH WEEVILS, COMPLAINTS FROM RESIDENTS OF PENNY HOUSE
GEORGE DON GATES, THE ALAMEDA, GRAND PARADE, SOUTHERN END	06/11/2014	IMPROVE THE AESTHETICS OF THE MAIN ENTRANCE TO THE GIBRALTAR BOTANIC GARDENS
ROCK COTTAGE, SOUTH BARRACK ROAD	26/08/2015	THE REMOVAL OF THESE PALMS (PHOENIX CANARIENSIS) IS DUE TO THE INFESTATION OF THE RED PALM WEEVIL (RHYNCHOPHORUS FERRUGINEUS)
LANDPORT DITCH CAR PARK	10/12/2014	THE TREE IS OF POOR FORM AND LEAN IS OBSTRUCTING PARKING SPACE
39/41 FLAT BASTION ROAD	09/09/2015	TREE CRACKING RETAINING WALL
GLACIS ROAD, BY JUNCTION WITH ST ANNES ROAD	10/08/2015	CONSTRUCTION OF NEW MULTISTORY CARE PARK
BACK GARDEN OF GARRISON LIBRARY	24/02/2015	TREE IS GROWING FROM A CREVICE IN A WALL AND THIS HAS CAUSED THE WALL AND LANDING JUST ABOVE TO BREAK-UP, THE WALL IS SEVERELY UNDERMINED BY TREE.
DEVIL'S TOWER CAMP	05/11/2015	TREES ARE CURRENTLY OCCUPYING SPACE REQUIRED FOR NEW PARADE GROUND AND MUST BE REMOVED. THERE IS HOWEVER AN ADEQUATE AREA ADJACENT TO REPLANT THESE TREES IF REQUIRED.
MONS CALPE MEWS	10/11/2015	J HAMILTON INSPECTED THESE 2 PINE TREES WHERE I SHOWED HIM HOW TRENCHES HAD BEEN DUG BY GIBLEC/AQUAGIB AND ROOTS TO THESE TREES HAD BEEN SEVERED. THEY POSE DANGER. DEPARTMENT OF ENVIRONMENT ALSO WITNESSED.
MALLARD HOUSE LAGUNA ESTATE EAST PATIO AREA	09/12/2015	DUE TO THE REFURBISHMENT WORKS AT LAGUNA ESTATE THE SAID TREE IS OBSTRUCTING THE PAVEMENT AND BLOCK ACCESS WHEN APPROACHING THE BLOCK ENTRANCE FROM THE SOUTH DIRECTION
PATHWAY BETWEEN MORRISON'S SUPERMARKET & ST BERNARD'S HOSPITAL	19/01/2016	THE ROBINA TREES ARE ON THEIR WAY OUT AND NEVER ADJUSTED TO ITS NEW LOCATION. FICUS TREES ARE BETTER SUITED FOR THAT LOCATION AND WOULD ALSO KEEP WITH THE OTHER FICUS TREES PLANTED ALONG THE ROAD
PARK OPPOSITE CATHEDRAL OF THE HOLY TRINITY	26/01/2016	PEPPER TREE IS COMPLETELY HOLLOW INSIDE AND COULD EASILY FALL ON TO CHILDREN PLAYING IN THE PARK.
TRAFALGAR CEMETERY	19/02/2016	A LARGE TREE THAT IS IN A POOR STATE. ITS FORM IS UNATTRACTIVE AND IT IS UNHEALTHY, WITH ROT IN THE TRUNK AND BRANCHES
BISHOP FITZGERALD SCHOOL	24/02/2016	TREE HAS SNAPPED RECENTLY DUE TO THE INCLEMENT WEATHER AND AFTER FURTHER ASSESSMENT IT IS EXTREMELY HAZARDOUS DUE TO ITS LOCATION.
RECLAMATION ROAD		
WESTSIDE SCHOOL	24/02/2016	TREE HAS BEEN DAMAGED QUITE EXTENSIVELY RECENTLY DUE TO INCLEMENT WEATHER AND AFTER FURTHER ASSESSMENT IT IS BEST REMOVED DUE TO ITS LOCATION AND PROXIMITY TO CHILDREN
3 EUROPA ROAD	04/03/2016	MATTER HAS BEEN ADVISED BY DR KEITH BENSUSAN WHO RECOMMENDS CUTTING DOWN FOR HEALTH AND SAFETY REASONS.
ST CHRISTOPHER'S PASSAGE	08/03/2016	THE TREE HAS BEEN SURVEYED BY EDEN BOTANIC AND THE HAVE SAID THAT THE TREE IS DANGEROUS AND THAT IT HAS BEEN NEGLECTED AND NOW POSSES A RISK OF FALLING TO ONE SIDE. THERE SUGGESTION IS OF ITS REMOVAL
RETREAT CENTER	21/03/2016	THIS SMALL TREE IS GROWING ON A ROCK FACE THAT IS BEING ERODED. MOVEMENT BY THE TREE AND ITS ROOTS IS POSSIBLY CONTRIBUTING TOWARDS THE EROSION AND THE ROOTS AND BASE OF THE TREE ARE BECOMING EXPOSED.
LATHBURY		

1380 **Mr Speaker:** Let us go on to Question 337 and if the hon. Member has any supplementaries arising from the schedule I will allow him to ask them.

Q337/2016
Europa Point foreshore –
Litter cleaning

Clerk: Question 337, the Hon. T N Hammond.

1385 **Hon. T N Hammond:** Mr Speaker, how often is the Europa foreshore cleaned of litter and flotsam by Government agencies?

Clerk: Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

1390

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, Europa Point foreshore is cleaned on an ad-hoc basis by the Gibraltar Nature Reserve Management Team.

1395 **Hon. T N Hammond:** Would the Minister consider implementing a programme so that areas such as the foreshore are regularly swept of flotsam and litter, rather than on an ad-hoc basis?

And if we are to proceed on an ad-hoc basis, what triggers the action on the part of the Ministry? Is it reports or what else could it be?

1400 **Hon. Dr J E Cortes:** In the case of Europa Point foreshore, because of the voluntary work that is being done there, very often it is the volunteer himself who reports that there are accumulations and then the Department responds to that.

1405 It is also true that I occasionally at weekends have a look around the area and I may spot things myself. But there are lots of active people bird watching or watching nature and so on. If they report anything specific, then that triggers off the response and I think there are enough people looking around the area of Europa Point, sometimes the hon. Member himself with his camera, to trigger off those things.

1410 So the volunteer network actually seems to work in that particular area, so I do not think we need to do any more. If we found that it was an area that was no longer visited and it starts to accumulate a lot of debris, then obviously we would have to introduce a more regular monitoring and we would have the resources to do that through our environmental monitors and so on.

Q338/2016

Environmental guidance for boat owners – Details

1415 **Clerk:** Question 338, the Hon. T N Hammond.

Hon. T N Hammond: Mr Speaker, can the Minister describe what environmental guidance has been produced and disseminated for boat owners by the Department of the Environment?

1420 **Clerk:** Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

1425 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, the environmental guidance produced and disseminated for boat owners by the Department of the Environment, consists of a booklet aimed at informing anglers on the requirements of the Marine Protection Regulations. A species identification booklet has also been produced and both guidance documents are available online. The Department has also engaged with numerous marinas, the fishing working group and cetacean tour operators to advise them on the requirements of the Cetacean Protocol.

1430 **Hon. T N Hammond:** Yes, I understand that some documentation has been produced for the guidance primarily of anglers, but has anything been produced more specifically for boat owners in general who may not be anglers, but will still enjoy their weekends out on the waters, particularly now as we are likely to have significantly larger numbers of boat owners with the new boat marina?

1435

1440 **Hon. Dr J E Cortes:** Mr Speaker, this very point was raised by members of the Fishing Working Group which obviously does not talk just about fishing but largely about fishing. It is something that has been accepted as being something that could be done in order to make boat owners aware of the wider environmental responsibilities and that is something that the Department is working on.

1445 **Hon. T N Hammond:** Would the Minister agree that it would perhaps have been wise to have produced such information prior to the inevitable influx of new boats that we are going to see with the marina? The marina has not happened overnight and it would have been something that we could have been proactive on, rather than reactive to.

1450 **Hon. Dr J E Cortes:** Mr Speaker, it is always a point to make. However, I do not think that our new boat owners ... Well, firstly not all of them are new boat owners; some of them are old boat owners who were not able to have a boat because the marinas were taken away and not replaced. Now we have replaced them so they will already be quite savvy about seamanship.

1455 I do not think that most boat owners are necessarily irresponsible from an environmental perspective. So whereas clearly the sooner one has this sort of guidance available the better – and that is a wide rule that we can accept – I am not unduly worried as to things that may be happening now that could be done better. However, as I say these things take time, the Fishing Working Group brought it up and we are responding and we are hopefully going to be preparing something.

1460 Let me add, Mr Speaker, that there are other Government authorities and agencies – the Port for example – that produces guidelines and if I am not mistaken, I believe there has been input by the Department of the Environment into some of that work. But I am not 100% sure, but I believe so.

1465 **Hon. T N Hammond:** For the record, I was not suggesting that boat owners new or from the past have ever been deliberately out to damage the environment of course, but if guidance is not provided they could through lack of knowledge cause damage to the environment. Perhaps the Minister for the Port could corroborate what the Minister has said or otherwise, and advise what information has been disseminated from an environmental perspective to boat owners.

Q339/2016
North Front Cemetery –
Plans to improve condition

Clerk: Question 339, the Hon. T N Hammond.

1470 **Hon. T N Hammond:** Does Government have any plans to improve the condition of the North Front Cemetery which currently finds itself in such a state of disrepair?

1475 **Clerk:** Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, yes sir.

1480 **Hon. T N Hammond:** And I realise I need to ensure that my questions are not closed questions when I ask them, (*Laughter*) but could I ask the Minister to elaborate on what those plans are?

1485 **Hon. Dr J E Cortes:** Mr Speaker, unfortunately and I think I have explained this, possibly not publicly, because I have had correspondence with a group that raised issues to do with North Front Cemetery and I have explained to them that there have been a number of changes in the structure of the cemetery which for a particular period of time reduced the amount of hours that were going in to the strimming and so on of the vegetation.

1490 That has now been virtually put right and the areas have now been strimmed and so on, so the state of the cemetery as it was some weeks or months ago is now much improved. We are now identifying resources to put in to have a regular vegetation management problem, which is the usual problem. If it was not a cemetery, if it was a meadow, the poppies and flowers would look great, but clearly we have to ensure that people who go to remember relatives there have access to the graves and so on.

1495 So that I think we will now be able to control. In any case, in discussions with the management of the cemetery, we have made it clear that if ever there should be a problem of access, the management will immediately respond and make sure that they open particular access directly to any particular gravestone that a relative may want to visit.

So I am confident now, Mr Speaker, that the problems that we have seen identified or raised by the public in the last few months will not occur again.

Q340/2016
Yellow-legged Gulls –
Number of breeding pairs

1500 **Clerk:** Question 340, the Hon. T N Hammond.

Hon. T N Hammond: Mr Speaker, can the Minister say how many breeding pairs of Yellow-legged Gulls are estimated to have bred in Gibraltar for each year since 2010?

1505 **Clerk:** Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

1510 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, thorough surveys of Yellow-legged Gulls have been carried out during the breeding season for the years 2002, 2009, 2010, 2015 and 2016.

Although in the past these surveys took place on an *ad hoc* basis, either when funding could be obtained or volunteer help was available, Government has now arranged for surveys to take place on an annual basis.

1515 Due to the Rock's topography, it is impossible to ascertain accurately the number of breeding pairs of Yellow-legged Gulls in Gibraltar. Instead these surveys provide relative estimates of abundance and the main purpose is to assess population trends as a response to culling activity.

1520 The trend is clear: the data estimate an average decrease in numbers of breeding pairs of gulls of some 4% per annum, with an estimated 40% decrease in breeding Yellow-legged Gulls between 2002 and 2016. Although this represents a substantial decrease, the trend is not as marked as would be expected from a closed population. For example, approximately 16,000 fledged Yellow-legged Gulls, mainly adults, have been removed between 2012 and mid-2016 and the expected decrease should be much greater if there were no input of gulls from elsewhere.

1525 There is no doubt that there is substantial immigration of gulls to Gibraltar from nearby breeding sites. Although censuses of the type that are carried out in Gibraltar do not take place in nearby Spain, the species is known to be increasing steadily throughout coastal areas of Andalucia, much of which it has colonised only recently. Some limited culling activity has taken

place in the province of Cadiz, but not on the scale that it is carried out in Gibraltar. Unfortunately much of that activity has ceased in recent years.

1530 Gibraltar has to contend with what appears to be a considerable re-population of gulls from nearby Spain and possibly elsewhere from this 'Meta population' of Western Mediterranean Yellow-legged Gulls, and that makes the control programme more difficult. Even accounting for this, however, the breeding population of gulls in Gibraltar is definitely declining as a result of the culling programme.

1535 **Hon. T N Hammond:** The question did actually ask, though, for more specific figures. Are those figures available?

Hon. Dr J E Cortes: Mr Speaker, my point is that because it is impossible to accurately census every single breeding pair because of the topography of Gibraltar, what is done is you work out an index based on the amount of observer coverage and so on. Then what you do is you compare year on year averaging out the different things.

1540 I am very happy to share that information with the hon. Member. It is a trend so clearly figures can oscillate but the trend is downwards and the decrease, the figures that have been produced to me, show a 40% increase since 2002. I am happy to share the more detailed information and if he will write to me by way of a reminder, I would be happy to do so and to show how those estimates have been arrived at.

Hon. T N Hammond: I will of course write to the Minister as he has requested it, but the question itself was actually asking for the information. I accept a 40% reduction; what I was hoping to see was evidence of that, rather than just a description of how the numbers are arrived at.

But I will write to the Minister, thank you very much for that.

1555 **Hon. Dr J E Cortes:** The description is crucial because the figures in isolation, because of the difficulty of censusing, it is not going to be an accurate reflection and you need the description and both go together so that will be provided.

Q341/2016
Litter Committee –
Meetings during 2015

Clerk: Question 341, the Hon. T N Hammond.

1560 **Hon. T N Hammond:** Can the Minister for the Environment advise how many meetings of the Litter Committee took place during 2015 and if the meetings were minuted, are those minutes available for review?

1565 **Clerk:** Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, three meetings of the Litter Committee took place during 2015. Notes are recorded of these meetings but for the purpose of internal action only.

1570

Hon. T N Hammond: So if I wrote to the Minister, would he not necessarily provide those notes, but certainly would he be able to provide a description of what actions are maybe coming out of those meetings?

1575 **Hon. Dr J E Cortes:** Mr Speaker, I would have no problem with that whatsoever.

Q342-348/2016
Dog fouling –
Complaints to Royal Gibraltar police

Clerk: Question 342, the Hon. E J Phillips.

1580 **Hon. E J Phillips:** Can the Minister for Justice ... I apologise that this question was written originally for the Minister for Justice but I will change it.

Can the Minister confirm how many reports/complaints have been received by the Royal Gibraltar Police or the relevant authority in respect of dog fouling?

1585 **Clerk:** Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, I will answer this question together with Questions 343 to 348.

1590 **Clerk:** Question 343, the Hon. E J Phillips.

Hon. E J Phillips: Can the Minister confirm what action has been taken in respect of dog fouling reports/complaints?

1595 **Clerk:** Question 344, the Hon. E J Phillips.

Hon. E J Phillips: Since 26th November 2015, how many individuals have been prosecuted for dog fouling offences and what fines have been imposed by our Courts?

1600 **Clerk:** Question 345, the Hon. E J Phillips.

1605 **Hon. E J Phillips:** In March 2016, the Minister for the Environment confirmed that DNA fingerprinting procedures would be effective within the next few months. Can the Government confirm that the new procedures are in place and if not, explain the delay and confirm when they expect the new measures to be in place?

Clerk: Question 346, the Hon. E J Phillips.

1610 **Hon. E J Phillips:** Can the Government confirm how much the DNA fingerprinting will cost the Taxpayer?

Clerk: Question 347, the Hon. E J Phillips.

1615 **Hon. E J Phillips:** Is the Government confident that the new measures will drastically reduce dog fouling offending and, more importantly, act as a deterrent?

Clerk: Question 348, the Hon. E J Phillips.

1620 **Hon. E J Phillips:** Can the Government also comment on whether it is the Government's intention to increase the level of fines open to the Court to impose on those who continue to flout the law by letting their dogs foul in our streets?

1625 **Clerk:** Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, the following reports or complaints have been received formally by the Royal Gibraltar Police, or the relevant authority in respect of dog fouling: 2011, four; 2012, two; and none in 2013, 2014, 2015 or 2016 to the present.

1630 When reports or complaints are received, the matter is investigated to try and ascertain who the culprit is. Additional patrols are made in the area. If the person is not caught in the act or a witness does not come forward, it is very difficult to find a culprit. This is precisely why the new measures are being introduced.

As from 26th November 2015, no persons have been prosecuted for dog fouling offences.

1635 The current fine is set at £250. It was increased from £150 in 2013 and the intention is to keep it as is once the new system is implemented. The new measures are in the final stages of preparation and will be in place shortly. Regulations were published in the Gazette on 16th June, and an amendment to the Animals and Birds Act will be published shortly – maybe tomorrow, maybe next week.

1640 It is envisaged that after 1st November 2016, all new dog owners will need to DNA fingerprint their dogs and existing dog owners have them fingerprinted upon renewal.

1645 There have been no delays. The starting time towards the end of the year was always envisaged as there was a need to consult stakeholders. This is a new system for Gibraltar and judging from success elsewhere, one which we are confident will tackle the long standing issue of dog fouling around Gibraltar.

1650 DNA identification is scientifically proven and conclusive when a match is found. Enforcement officers no longer have to catch an offender in the act, which has been a major reason for the lack of fining in the past. They simply have to collect a sample and that will be matched to the dog in question. The fine will then be sent to the owner. The system has for example, completely eradicated dog fouling in the island of Capri and is being adopted across an increasing number of European cities, including London.

1655 The system will not cost the Taxpayer. There will be an increase in dog licencing fees from £5 to £25 to cover the initial cost of the DNA fingerprinting and the cost of the testing of the samples and DNA matching.

Hon. E J Phillips: I am grateful for the extensive answer to those questions, particularly in regard to the DNA fingerprinting.

1660 But would the Minister not agree with me that even though you are going to have DNA fingerprinting available to the environmental officers or those who carry out those functions in respect of dog fouling, it clearly is not going to cater for those dog owners who have not registered their animals? Therefore would the Hon. Minister agree with me that it is a question of enforcement and continuing education in respect of the licencing requirements by those dog owners?

1665 **Hon Dr J E Cortes:** Mr Speaker, the question of unlicensed dogs is wider than just this, for a number of reasons. From the point of view of the health of the dog population, the problem possibly of having dangerous dogs which we are not aware of, but I think the thrust there has to be, once this regime is in place, to try and identify unregistered dogs and to deal with those.

1670 The problem has been – and believe you me, Mr Speaker, we have tried having policemen, in
having environmental enforcement, environment agency officers, in areas putting up cameras ...
When you put up a camera, that area becomes free of dog fouling but go round the corner and
you will see. So enforcement is very, very difficult.

1675 As a lawyer, the hon. Member will realise that you have to provide the evidence that you did
it, it was your dog and you were there when you did it. So it is very, very difficult and this is what
has made us go towards the DNA finger printing. So I think we need to give this a chance and
then tackle that later if it is still a problem.

1680 That still leaves the problem of unlicensed dogs and the Hon. Mr Llamas is, I know, very
active in that world and it is something that we have to tackle as well, but for wider reasons. And
there are other issues relating to dogs which we are looking at and in fact I have discussed them
informally with the hon. Member opposite and hopefully that may include dealing with the
problem that the hon. Member has identified.

1685 **Hon. E J Phillips:** I am grateful for that response. I am sure the Minister will join me in
condemning those irresponsible dog owners that continue to allow their dogs to foul in our
streets. It is a rather disgusting mess and I think we should continue in our campaign to educate
people insofar as the fouling is concerned.

1690 But I would also say that we should in my view, and I want to take some soundings from the
hon. Minister in respect of the level of fines, that we should also in our view increase the level of
fines so that those who continue to let their dogs foul in our streets are fined appropriately and
at higher levels so that they stop doing this.

A Member: Hear, hear.

1695 **Hon. Dr J E Cortes:** Mr Speaker, the purpose of every such regime is not to get people and
fine them or throw them in jail – not that you would be jailed for this. The purpose of our law
and the fines is to stop the offence being committed and that is my primary reason for doing
this.

1700 I am quite confident that the system will work. If it does not, that is the time to consider the
increase in fine. I do not think we should be punitive if we have other solutions, but certainly it is
something that is open to us. We increased the fines a few years ago by £100 and that is still
open, but I think this is not the time. I think we have got to give dog owners a chance to respond
and then take it from there.

1705 **Mr Speaker:** The Minister has been answering questions for the better part of two hours.
This is a convenient time at which to have a short break.

The House recessed at 5.05 p.m. and resumed its sitting at 5.35 p.m.

Q349/2016
Cleaning Gibraltar –
Government contracts

Mr Speaker: Question 349, the Hon. the Leader of the Opposition.

1710 **Hon. D A Feetham:** Mr Speaker, what contracts does the Government currently have to clean
Gibraltar?

Clerk: Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

1715 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, the Government currently has a contract with Master Service Ltd to clean Gibraltar.

Hon. D A Feetham: Mr Speaker, can the Hon. the Minister say when this contract expires or is it a revolving contract?

1720

Hon. Dr J E Cortes: Mr Speaker, the contract was put in place by the former administration and is due to expire in March 2017.

**Q350/2016
Mount Alvernia –
Government workers**

Clerk: Question 350, the Hon. L F Llamas.

1725

Hon. L F Llamas: Mr Speaker, how many workers employed by Government, Government-owned companies, authorities and agencies are currently working in Mount Alvernia?

Clerk: Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

1730

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, 229½. The half obviously being the odd number of part-timers – not half a person!

**Q351/2016
Mount Alvernia –
Non-Government workers**

Clerk: Question 351, the Hon. L F Llamas.

1735

Hon. L F Llamas: Mr Speaker, how many workers not employed by Government, Government-owned companies, authorities and agencies are currently working in Mount Alvernia?

1740

Clerk: Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, 46.

1745

Q352/2016
Primary Care Centre counter –
Non-Government workers

Clerk: Question 352, the Hon. L F Llamas.

1750 **Hon. L F Llamas:** How many workers not employed by Government, Government-owned companies, authorities and agencies are currently working in the Primary Care Centre counter?

Clerk: Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

1755 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, I have taken the liberty to include 'counter' in the plural, as there are many counters in the Primary Care and it was not clear which one was being referred to.
The answer, Mr Speaker, is 11.

Q353/2016
Primary Care Centre counter –
Government workers

1760 **Clerk:** Question 353, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, how many workers employed by Government, Government-owned companies, authorities and agencies are currently working in the Primary Care Centre counter?

1765

Clerk: Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

1770 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, 19.

Q351-352/2016
Supplementary questions

1775 **Hon. R M Clinton:** Mr Speaker, if I could go back to Questions 351 and 352, the non-Government employees. Would the Hon. Minister be able to advise what type of services they provide in general?

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Questions 351 and 352. It depends, they could be nursing services and they could be cover for example for administrative services, for people on maternity leave, long term sick leave and the like.

1780 I think that probably covers all in Mount Alvernia and in Primary Care.

Hon. R M Clinton: And if I may, Mr Speaker, would the Hon. Minister know whether these are all supplied by the same legal entity or are they on separate contracts individually?

1785 **Hon. Dr J E Cortes:** I know that they are not. It depends; they do come from several areas. For example, nursing may come from one area, admin may come from another. I do not have all the exact details but it would be certainly more than one.

1790 **Hon. D A Feetham:** Mr Speaker, can the hon. Gentleman just explain, if he has a reason, why such a high proportion of non-Government, Government-owned companies, authorities and agency workers are actually employed, which is 11, compared to 19 that are directly attributable if I can call it, to the public service – and I take the public service in the wider sense of the word, including Government-owned companies and authorities.

1795 **Hon. Dr J E Cortes:** I alluded to this earlier, Mr Speaker.
The main reason would be maternity leave where people may be away for up to a year. It may be long term sick leave. On occasions, because it is such front-line work that they do, on occasion if there are going to be delays in ... You see, staff in the GHA may be civil servants, they may be GHA employees and if there are delays in recruitment processes and so on, we cannot be without front-line staff so on a temporary basis we may take on people who are not directly
1800 from the Government or Government agencies.

So mainly it is short-term cover, whether it is to cover gaps where we cannot afford to wait for the longer process or maternity or long-term sick leave, that sort of issue. I could not tell you which is which in more detail than that at this point in time.

1805 **Hon. D A Feetham:** So he could not tell us how many of those 11 are actually covering short-term, maternity and long-term illnesses that he has outlined and for other reasons?

What I am obviously getting at is: is he satisfied that we do not have a situation here where there are non-public service employees almost working on a permanent basis in these jobs at the counter in the Primary Care Centre?
1810

Hon. Dr J E Cortes: Mr Speaker, they are temporary engagements, as I have explained before. I do not have a breakdown. I was asked for figures, I have given figures, I do not have a breakdown.

Q354-356/2016

Antenatal classes, births and maternity staff – Details

1815 **Clerk:** Question 354, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, can the Government please state how many prospective parents attended antenatal classes for the past 24 months?

1820 **Clerk:** Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, I will answer this question together with Questions 355 and 356.
1825

Clerk: Question 355, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, can the Government provide details of the babies born during each shift at the maternity ward during the past 24 months?

1830 **Clerk:** Question 356, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, can the Government provide details of the complement of staff working in each shift at the maternity ward during the past 24 months?

1835 **Clerk:** Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, the information on antenatal classes in the handout I now hand over.

1840 Mr Speaker, the information regarding birth numbers is collated per day and not per shift and is also in the handout provided.

Midwives per shift are as follows: three midwives on night duty from 8.30 p.m. to 8.00 a.m.; one midwife additionally on call as from 8.30 p.m. to 8.00 a.m.; four midwives on day shift from 8.00 a.m. to 8.30 p.m.; one to two midwives daily in the community setting, visiting mothers or mums to be at home between 8.00 a.m. and 8.30 p.m.

1845

Hon. R M Clinton: Mr Speaker, would the Minister be able to advise whether antenatal classes have now been suspended in the GHA and the GHA is no longer providing those? Is there any truth in that?

1850

Hon. Dr J E Cortes: No, Mr Speaker. I think that in the handout that I have provided, I have shown that they are not suspended.

Parent-craft classes of this nature are no longer done in the United Kingdom. This is something that we still do in Gibraltar for first-time mums. They have not been suspended.

1855

Answer to Question 354-2016

<u>Parent craft classes 2014</u>	Couples booked	Couples attended
Jun-14	16	14
Jul-14	12	12
Aug-14	16	14
Sep-14	21	18
Oct-14	15	15
Nov-14	17	15
Dec-14	15	5

<u>Parent craft classes 2015</u>	Couples booked	Couples attended
Jan-15	16	12
Feb-15	18	18
Mar-15	16	11
Apr-15	11	10
May-15	3	3
Jun-15	19	13
Jul-15	9	4
Aug-15	19	14
Sep-15	20	18
Oct-15	15	13
Nov-15	9	7
Dec-15	11	10

Answer to Question 355-2016

2014	Number of deliveries
May	41
June	34
July	38
August	40
September	46
October	42
November	41
December	41

2015	Number of deliveries
January	34
February	29
March	51
April	39
May	51
June	33
July	27
August	47
September	41
October	51
November	40
December	44

2016	Number of deliveries
January	34
February	27
March	33
April	40
May	37

Q357/2016
St Bernard's Hospital operations –
Cancellations

Clerk: Question 357, the Hon. D A Feetham.

1860

Hon. D A Feetham: Mr Speaker, can the Government please state how many operations have been cancelled at St Bernard's Hospital in each of the financial years since 31st March 2012?

Clerk: Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

1865

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, the information is in the schedule I now hand over.

Answer to Question 357-2016

1 st April 2012 to 31 st March 2013 – 343 cancellations (57 of these cancellations are due to no bed availability)
1 st April 2013 to 31 st March 2014 – 223 cancellations (44 of these cancellations are due to no bed availability)
1 st April 2014 to 31 st March 2015 – 249 cancellations (12 of these cancellations are due to no bed availability)
1 st April 2015 to 31 st March 2016 – 346 cancellations (33 of these cancellations are due to no bed availability)

1870 **Hon. D A Feetham:** Mr Speaker, if I might just read the numbers and then ask a supplementary because I think this is important to contextualise the question.

In the year up to 31st March 2013 there were 343 cancellations. In the year up to 31st March 2014, there were 223 cancellations. In the year up to 31st March 2015, there were 249 cancellations. And then in the year up to 31st March 2016, there were 346 cancellations.

1875 Can the Minister explain, and I know there is an explanation: in the first year there were 57 cancellations due to no availability of beds; in the second 44 due to no availability of beds; 12 in 2015 because of no bed availability; and 33 again in the year ending 2016 because of bed shortages.

1880 Those explanations apart, what explanation is there for the significant level of cancellations? In 2016 it is 346 cancellations – 33 because of bed shortages, but 346 cancellations. I wonder whether the Hon. the Minister for Health can provide an explanation in relation to this that is satisfactory to the House.

Hon. Dr J E Cortes: Mr Speaker, it gives me great pleasure to have the opportunity to ‘contextualise’ this, in the words of the Hon. the Leader of the Opposition.

1885 Mr Speaker, the reason why I have highlighted in the handout the cancellations due to bed availability, is because this is something which obviously concerns the community as a whole. So I will talk about those in a minute.

If we talk about the overall figures, those figures include many different reasons, most of which are not the ‘fault’ – for want of a better word – of the Health Authority.

1890 For example the surgeon might take a decision that on a particular day it is not advisable to go ahead with those operations. The patient may decide even at the last minute that they do not want to have the operation. Some patients do not attend. Some operations on the day are no longer required. The patient may be unwell or there may be other medical reasons.

1895 So the only one really that one could attribute to possibly – it depends on how you see it – something which might be a fault of the system is the bed availability. Hence the second lot of figures.

1900 Clearly, the figures to 2016 of 33 are still below 2012/2013 and well below previous years but you have not asked me those, and I am not going to go back. They are above the year before where we had a particularly good year, but I think again if I can contextualise that, if you consider that in 2012 we carried out 600 operations and in 2015-16 we carried out 2,900 operations, then in percentage terms, then in the year to 2013 there were 9.5% cancellations but in this last year only 1.1%.

Several Members: Hear, hear. (*Banging on desks*)

1905

Hon. Dr J E Cortes: So to cancel 33 out of 2,900 is much more significant than to cancel 57 or more in years before that out of 400 or 500. (*Banging on desks*)

1910 **Hon. D A Feetham:** Yes, Mr Speaker. (*Laughter*) Well, Mr Speaker, talking about contextualising things, I remember when the Hon. Minister Costa was on this side of the House, he used to say – because I remember it very well – that one cancellation was one cancellation too many, Mr Speaker! (*Laughter*)

1915 So if we are going to talk about properly contextualising, well perhaps Mr Speaker, the hon. Gentleman – and I am really trying, post-Brexit, very hard to try and keep the political point-scoring very low indeed! – but if we are going to contextualise, then of course the Minister ought to take a leaf out of his colleague’s book and judge things by one cancellation of an operation is one cancellation too many.

But, Mr Speaker, just looking at these numbers, and I take on board and will analyse the figures later on and we may have further questions at the next session of the House, but are all

1920 these cancellations at St Bernard's Hospital and there are no cancellations that are attributable to, for example, Xanit Hospital?

Hon. Dr J E Cortes: The figures that are provided here are St Bernard's Hospital.

1925 If I may just comment, absolutely every cancellation is a cancellation that we do not want to have, when they are not based on medical reasons or the patient not turning up and so on – absolutely.

Clearly there are pressures on our beds for a host of reasons that we do not have to go into, and I have to pay tribute here to the very hard-working bed management team in the GHA who ensure that these figures are kept to an absolute minimum.

1930 But Mr Speaker, going back to what I said, we are operating not hundreds but *thousands* more cases than we were just a few years ago and although one cancellation is one cancellation too many, in context I think we are delivering a much better service than we used to.

Hon. D A Feetham: Yes, Mr Speaker, well thank you very much for that.

1935 In relation to these cancellations due to bed availability, can he help me with this: what is the pressure in terms of numbers that obviously then will have a knock-on effect on cancellations due to no bed availability?

1940 What are the numbers of say for example, people that are suffering from dementia that are long term in St Bernard's Hospital and are therefore taking a bed at St Bernard's Hospital which then has a knock-on effect on bed availability for the purposes of operations?

Hon. Dr J E Cortes: I am always too keen to speak and I press the button too early!

Mr Speaker, I do not have those figures; they are available if I am asked, but I think we have to bear several things in mind.

1945 One, clearly there are elderly people in St Bernard's Hospital and this is something that has been a problem in Gibraltar for as long as anyone can remember and is a problem throughout the world.

1950 But it is not just that, Mr Speaker. There was one weekend some months ago in which there were 20 emergencies that needed admission – about 20 – through A&E and even if you have 15 beds available that means that on the Monday after that weekend, you may have to cancel operations. So this is a dynamic thing.

But the figures on how many elderly and so on are available, but I do not have them now.

1955 **Hon. D A Feetham:** And of course, Mr Speaker, the Hon. the Minister must accept some responsibility, does he not, for the fact that you have a dementia facility that has been completed quite a considerable time ago and the decision has been taken by the Government to delay the opening? Because that not only has an effect on people who are suffering from dementia, but certainly people whose operations are being cancelled, because that must – indeed it is inherent in the answer he has given me – be contributing to the cancellation of operations. Does he accept that the Government must share some responsibility for operation cancellations on that basis?

1965 **Hon. Dr J E Cortes:** Mr Speaker, as I said earlier in relation to another project, an infrastructure project, things often take longer than you would like them to, particularly when you want to get them right. So I think that a Government must accept responsibility for all sorts of things, but not necessarily blame and there is a subtle difference there.

So I would like to say that ... Mr Speaker, rather than say whether I accept responsibility or not, I will not accept blame certainly, I will accept the praise that I will get when it is open and we are providing for our elderly better than ever before.

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Hon. T N Hammond: Mr Speaker, just relating to part of the answer the Minister gave earlier on. He referred to 2,900 operations that did take place under the GHA. Were those all at St Bernard's or were those the operations that have taken place within the auspices of the GHA but at other centres?

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Hon. Dr J E Cortes: St Bernard's Hospital, Mr Speaker.

Q358/2016

**Ambulance decontamination –
Health risks**

Clerk: Question 358, the Hon. D A Feetham.

1980

Hon. D A Feetham: Mr Speaker, does the Government believe there are any dangers or health risks with the decontamination of ambulances and the potential spread of diseases?

Clerk: Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

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Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, in line with other UK Ambulance Trusts and to abide by present epic3 – which for your assistance is a national evidence-based guideline for preventing healthcare-associated infections in NHS hospitals in England – NICE, which is the National Institute for Health and Care Excellence and the World Health Organisation recommendations in the prevention of Healthcare Associated Infections (HCAIs), the ambulance service introduced a number of new and better infection control policies in February 2015.

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It is the responsibility of the clinician to ensure adequate aseptic practice when attending patients and the responsibility of the ambulance crew to ensure the vehicle cleaning schedule is abided by.

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Infection control measures are promoted and reviewed to protect the patient as well as the clinician.

In the event that a highly probable or confirmed Category IV infectious disease case is established, the ambulance would be driven to an area designated by the infection control team, quarantined and prepared for cleaning and disinfection. The Environmental Agency will then take over responsibility for vehicle decontamination.

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Hon. L F Llamas: May I just ask then if the Minister is actually happy with the way things have been done in the past and there is no risk of contamination when these procedures are carried out in terms of water going into the drains and into the normal sewerage and so forth?

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Hon. Dr J E Cortes: Yes, Mr Speaker. In order to keep improving, we introduced the new system in February last year.

Remember, as I said, in Category IV, which are the very, very serious ones, there would be an area identified by infection control away from the hospital where these would be treated and the vehicle decontaminated by the Environmental Agency. So we have improved from what we were doing before. Obviously, one keeps on reviewing systems and so on, but we are certainly in a much better position than we were just two years ago.

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Hon. D A Feetham: Yes, Mr Speaker, because the difficulty and what we are getting at here is when you decontaminate an ambulance and you clean an ambulance, obviously the residual

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material – be it water or other materials – from the decontamination, you do not want it to go into the main sewer system for example, because then it may have a knock on effect, particularly in very serious diseases and the propensity actually to spread the disease amongst the wider population.

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Does the Government have a designated area where for those Category IV diseases, that cannot happen and there is a segregation, there is a protection so that the water does not go into the sewerage system so that we keep the contamination at effectively zero, or as close to zero as possible?

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Hon. Dr J E Cortes: Mr Speaker, that would be determined at the time of the incident by the infection control team and also depending on the situation in Gibraltar.

You never know what area may be more or less used or more or less connected, so the decision is taken on the evidence at any particular moment.

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We have not had cause to do this very often, but the decision is taken at the time, based on the current circumstances by the infection control team.

Hon. D A Feetham: Yes, Mr Speaker, but with respect to the hon. Gentleman, it is an unsatisfactory answer. It is an unsatisfactory answer because what I would have expected is that in a situation where you have a Category IV disease, and we are talking about seriously infectious diseases, and you are decontaminating an ambulance, the GHA or whoever is responsible would have already identified beforehand where it is that the ambulance is going to be contaminated.

2035

It is not an answer to say, 'Well it is going to be determined on the hoof, bearing in mind whoever has the discretion at the appropriate time.' That is the way that I have understood the answer and I am giving him an opportunity to explain it, because it appears to me that the only satisfactory way of dealing with something like this is to already have identified an area where it is possible to decontaminate an ambulance in a way that is safe and a way that is secure.

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Hon. Dr J E Cortes: Mr Speaker, these decisions cannot ever be described as 'on the hoof'. There are dedicated infection control teams who know what they are doing and will judge every single situation separately, so they would be well researched.

2045

It may well be, Mr Speaker, but I do not have that information here, that they have a list of sites where it would go to and I will find out and I will share that information. At this point in time I cannot provide him with the list nor am I going to invent one because those may not be appropriate.

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But I can reassure the hon. Gentleman that the ambulances in a Category IV infectious disease would be taken to a safe place. The exact identity of the place would depend on circumstances and on the layout of the land at any particular time. But I will find out from the team which are the sites on their list, so I am assuming they have a list of potentials and I would be very happy to share that information.

2055

Hon. D A Feetham: Yes, well I am very grateful to the hon. Gentleman for that answer, but is he confirming that effectively what we have is a number of sites and it depends – ? (*Interjection*) Well, that is the way I understood the answer: a number of sites and it depends for example where the ambulance may be at a particular time, taking into account the situation at any particular time. Because that is what he appears to be saying: that there is a list of sites and it will depend on where it goes depending on the circumstances.

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Can he say that for sure because that is what he appears to be saying?

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Hon. Dr J E Cortes: No, I cannot say that for sure but knowing the professionalism of our infection control team, I can say almost for sure that they know very well where they would

send that ambulance. I do not know it at this particular point in time, but it is something that I will find out and share, as I have said several times.

SUSPENSION OF STANDING ORDERS

2070

Standing Order 7(1) suspended to proceed with a Government Statement

Mr Speaker: The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, good afternoon to all Members.

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Mr Speaker, I beg to move under Standing Order 7(3) to suspend Standing Order 7(1) in order to proceed with a Government Statement.

Mr Speaker: Those in favour? (**Members:** Aye.) Those against? Carried.

POST-BREXIT MEETINGS IN LONDON

Statement by the Hon. the Chief Minister

2080

Chief Minister (Hon. F R Picardo): Mr Speaker, hon. Members will know that I have returned to Gibraltar this afternoon after a series of meetings in London yesterday. As I rise, hon. Members will forgive me for having to keep the ringer of my phone on.

The Government issued a Press Statement yesterday evening which gave some details of the work I had been doing.

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I was accompanied by the Deputy Chief Minister and assisted by the Attorney General and both Albert Poggio, who is retiring as London Representative, and Dominique Searle who will be taking over in that role.

Mr Speaker, the House will wish to note that I had discussed with the Leader of the Opposition in one of our meetings earlier this month, when we planned how we were going to act in the event of a vote for the United Kingdom to leave the European Union, that I would be travelling for meetings with the Minister for Europe yesterday and that we were already preparing for our 'Greenland' style arguments.

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It was clear to us both that the Deputy Chief Minister and I should proceed with these meetings and that we should soon be able to finalise some mechanism to work more closely together in respect of the future work that will need to be done as a result.

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Mr Speaker, the Cabinet has not yet met to consider how we will propose to the Leader of the Opposition that we should best do this. Mr Speaker, I understand actually that in fact that the Leader of the Opposition has written to me on the subject of which mechanism we can best use for the purpose of acting in a unified manner going forward and giving confidence in Gibraltar. I expect to see his letter when I return to my office later this evening and it will no doubt inform Cabinet's thinking in this respect.

2100

Mr Speaker, the events of the last week continue to require careful handling. This afternoon, on arrival and before stepping into the Chamber, I have met with and briefed the Hon. the Leader of the Opposition in greater detail in respect of the issues I have dealt with in London. I have also similarly briefed Ms Hassan Nahon who sits independently in this House.

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Mr Speaker, Hon. Members are aware that one of the many avenues we are exploring involves working with Scotland's Parliament in order to seek ways to give direct effect to the will

of the people of Scotland and Gibraltar who overwhelmingly expressed a desire to remain within the European Union and the Single Market.

2110 Hon. Members will have read reports of my very positive discussions yesterday with Mrs Nicola Sturgeon, the First Minister of Scotland, in this respect. Mrs Sturgeon and I have agreed that we have a common purpose in exploring possibilities which could achieve our common objectives.

2115 The Scottish Parliament yesterday supported the First Minister's motion to explore and pursue these possibilities for Scotland after a debate in which the First Minister confirmed our discussions.

Our aim, Mr Speaker, will never be to thwart the will of the British people. It will in fact be the opposite, that is to say: we will act to seek to give effect to the will of the British people of Gibraltar as much as to the British people of England, Wales, Northern Ireland and Scotland.
2120 That may give rise to varying degrees of membership of or access to the European Union or the Single Market.

That which may seem anathema to some, or impossibly complicated to others, is actually of course already the reality we have been operating under for the 44 years which have elapsed since we acceded to the European Union with the United Kingdom in 1972, or the European Economic Community (EEC) as it then was.
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A technical team from Gibraltar will be communicating with the team set up by the Scottish Parliament for the purposes of understanding what the possibilities are.

This will no doubt involve seeking further understanding of the precedent set by Greenland's departure from membership of the EEC, or the European Economic Community, which predates the Treaty of Lisbon and the provisions of Article 50 thereof.
2130

There is no rule book which would prevent Gibraltar negotiating – with the support of the United Kingdom – remaining both 100% British and 100% in the EU or in the Single Market, even if the United Kingdom or parts of it were to leave.

2135 Mr Speaker, can I just at this stage and can I remind Members, who no doubt do not need reminding, that section 47(3) of the Gibraltar Constitution provides as follows:

Without prejudice to the United Kingdom's responsibility for Gibraltar's compliance with European Union law, matters which under this Constitution are the responsibility of Ministers shall not cease to be so even though they arise in the context of the European Union.

Mr Speaker, that will be an important clause to understand in coming months.

Mr Speaker, we have also been in close contact with the team of the Mayor of London who is seeking also to ensure that he acts to protect the interests of the City of London and all Londoners, who also voted to remain in the European Union. I expect that we shall be doing
2140 come considerable work in the future also with the Mayor's team.

It is important in this respect to note that both Scotland and Gibraltar are separate legal jurisdictions to England and Wales. Gibraltar is British but it is not part of the United Kingdom, which in legal terms could be as advantageous as it might be disadvantageous for the purposes of this analysis.

2145 It is true, therefore, that there are political realities that might make difficult all aspects of our current considerations and some legal realities too. But in the context of negotiations, it is clear that ours can be a position which would achieve many objectives and which cannot be discarded out of hand.

It would deal with business concerns about access to the single market. It would deal with
2150 general concerns about freedom of movement. And it would certainly deal with the concerns I am hearing expressed by Spanish cross-frontier workers, whose representatives I will be meeting in coming days.

I sincerely welcome that the regional government of Andalucia, the *Junta de Andalucía*, have set up a working group on Brexit to analyse the potential impact on the region as a result of the

2155 Referendum result and the creation of which is in part at least explicitly stated to relate to the issues which arise in our hinterland, the *Campo de Gibraltar*.

I expect we will be able to work with the *Junta* also to understand the negative consequences that could arise from a bar to the free movement of people across our frontier with Spain and to prevent any such eventualities from arising, whatever the outcome of a potential United Kingdom notification to withdraw from the European Union.

2160 As I have said before and will say again, the Spanish and other nationals who are cross-frontier workers are very welcome in Gibraltar. Migration is not an issue in Gibraltar as it may have been elsewhere in the United Kingdom, Mr Speaker. We welcome migration as a cornerstone of our success. Cross-frontier workers and those who have moved to Gibraltar from inside or outside the European Union are part of our success. We wish to continue to see them working alongside us in our economy for many years. And Her Majesty's Government of Gibraltar is committed to ensuring guaranteed and unhindered access to Gibraltar for them, as well as for the businesses and clients of businesses who such workers serve.

2170 And to achieve that, it is imperative in my view that we remain, as we always have, ready to work with all relevant parties in the United Kingdom and beyond in the context of Gibraltar's desire to secure its human and business need to retain physical and commercial access to Europe.

2175 For that reason we have worked in the last 24 hours with friends and contacts in the United Kingdom and beyond. In particular we have been able to express the detailed concerns that are relevant to businesses in Gibraltar to the Minister for Europe in person directly. We have also communicated in writing to the Prime Minister directly and via colleagues in the Conservative Party the things that we need to ensure are dealt with urgently.

2180 We are also perhaps most importantly able to report to the House today that Gibraltar will not just be *consulted* in the process of a potential negotiation to withdraw the United Kingdom from the European Union. We will actually be *fully involved* in such a process and we will work in partnership with the United Kingdom to seek to ensure Gibraltar's interests are protected and advanced. That is the same level of involvement that will be afforded to the political leaders of the Home Nations in the United Kingdom.

2185 The Minister for Europe confirmed this to me yesterday and he will be writing to me to set out this position in the coming days, as the official position of Her Majesty's Government of the United Kingdom.

2190 The work has also already started in the terms of some of the other technical and underlying issues that have long afflicted Gibraltar's ability to access the United Kingdom as a market for our services. I am confident that we are progressing well with that work with colleagues in the United Kingdom.

Last night was a propitious moment to celebrate the work that Albert Poggio has done for Gibraltar in London since 1988. For over a quarter of a century, he has worked the corridors of Parliament to keep the Gibraltar issue in the minds of the most influential people in politics in the United Kingdom.

2195 As a result, on his retirement from the post of Director of Gibraltar House in London, the reception in the Speaker's House in the Westminster Parliament was attended by representatives of all parties and of all factions of all parties. It was a final opportunity yesterday to ram home some of the things that we had already communicated to decision-makers during the day.

2200 Albert Poggio will continue to work with us in relation to political lobbying in the United Kingdom. That was always the agreed position; but I am sure that if it had not been, Albert would have nonetheless stepped up to the plate now in any event.

2205 Last night, Mr Speaker, our message, was being very well received indeed. But the House should be alive to the fact that politics of the current moment in the United Kingdom is as much in flux as the commercial aspects of the future relationship between the United Kingdom and

the EU. It is important therefore that we stand up for Gibraltar's interests together and united, as I know this whole House will do.

To end this intervention, Mr Speaker, I want to reiterate again some fundamentals, which the House will agree with me bear repetition:

2210 Mr Speaker, in all of the options we are looking at, in every alternative we consider, in every future that we countenance, Gibraltar will retain 100% of its British Sovereignty.

We have a Sovereign, Mr Speaker. We love our Sovereign. There are no vacancies for a new Sovereign for Gibraltar!

2215 What we are going to do is act to ensure that we properly contextualise for the whole world the situation in which Gibraltar finds itself. We are going to act to ensure we are the ones shaping the future for our nation and our community. We are going to act to fashion a reality that is in keeping with the expressed will of the people of Gibraltar.

2220 Finally Mr Speaker, I will shortly be consulting the Leader of the Opposition and the Independent Member, Ms Hassan Nahon on the text of a motion that I expect to move in coming days in this House to deal with the result of the Referendum and the response thereto.

I trust hon. Members will now have a better understanding of the activity that has occupied the Deputy Chief Minister and me for the past 48 hours. I will seek to keep the House and the whole nation as informed as possible in the coming weeks and months as we progress the pursuit of the best interests of Gibraltar in these rapidly changing scenarios.

2225 Can I also tell the House that I will not be present throughout this Question Time session and will perhaps have to absent myself at other times to travel, meet or speak to those who may be relevant as we pursue matters. I obviously mean the House no disrespect if that occurs and I know all Members will fully understand.

2230 One thing is clear, Mr Speaker, and I think Members of this House are now fully cognisant of this, and that is that the result of the Referendum on the United Kingdom's continued membership of the European Union has in fact ignited a chain of events, the resolution of which will be more like a marathon than a sprint.

2235 And not just for Gibraltar, Mr Speaker; for the whole of the United Kingdom, for the whole of the European Union and for the whole of the world. I am sure we all in Gibraltar have the energy for it and none of us will be found wanting!

Thank you very much, Mr Speaker.

A Member: Hear, hear. (*Banging on desks*)

2240 **Minister for Financial Services and Gaming (Hon. A J Isola):** Mr Speaker, may I just, by clarification, before the Leader of the Opposition is invited to speak?

Mr Speaker: If you wish, yes.

2245 **Hon. A J Isola:** Mr Speaker, as Members of the House will know, it is indeed my job to work with and reassure businesses in Gibraltar across the spectrum of services that I represent, that Gibraltar is indeed open and available for business as usual.

2250 I am delighted to report to the Members of the House that indeed these past days that I have been engaging with them directly, what I have had is them reassuring me of their commitment to Gibraltar, their commitment to business as usual and applauding the energy, the drive and the logical sense which our Chief Minister and Deputy Chief Minister have demonstrated these past two days in knowing which way Gibraltar needs to go to protect their businesses and, of course, to protect our economy and our people.

2255 And if I may just add, it was ironic yesterday that Faisal Islam, the *Sky News* reporter, tweeted that he now had four people that knew what they were doing in terms of their plans for the Brexit. They happened to be Nicola Sturgeon from Scotland, Jeremy Hunt, Sadiq Khan and he

added to that list Mr Fabian Picardo. I think that is a sign of the recognition that our Leader and Deputy Chief Minister have displayed this past week since the stormy events of last Friday.

2260 I should also report to this House, Mr Speaker, that in this past week since Friday, we have had gaming companies that have relocated and plan to relocate *more* of their business to Gibraltar who have expanded and committed to take on *more* premises in Gibraltar and indeed, opened up *more* vacancies for their business in Gibraltar. All of this since last Friday.

2265 I am also delighted to report, Mr Speaker, that just today an MMOU has been signed between the Gibraltar regulator and the Cayman Islands' regulator facilitating more business between our jurisdictions and importantly and critically, since last Friday two new insurance companies have made applications to our Financial Services Commission.

So indeed in the sectors that I represent, Mr Speaker, and despite the uncertainty that undoubtedly lies, I am delighted to say it is very much business as usual. (*Banging on desks*)

2270 **Mr Speaker:** I will invite Members of the Opposition, in particular the Leader of the Opposition and the Hon. Independent Lady to ask any questions or clarification on anything that arises from the statement made by the Chief Minister if they so wish.

The Hon. the Leader of the Opposition.

2275 **Hon. D A Feetham:** Mr Speaker, yes. Mr Speaker, I have no questions and I am going to be keeping my intervention short. I actually think that at this moment in time, the less said the better and it is a time for actions rather than words.

2280 But let me say this: that the Opposition as I said last week, remains ready, willing and able to be engaged and to work with the Government on behalf of this community and for the benefit of this community and that the Opposition will place the interests of this community over and above its own narrow political interests every single day of the week.

2285 Because, Mr Speaker, at the end of the day, what we are talking about here is the future not only of the people here in this House, but of our children, our children's children and generations to come. (*Banging on desks*) And, Mr Speaker, those generations of people will not forgive us if we get this wrong and therefore we must get it right.

2290 Mr Speaker, as the Hon. the Chief Minister has said, I have today written to him in order to suggest to him a mechanism whereby the Government and the Opposition can work together on this particular issue. I understand that the Chief Minister arrived from the United Kingdom this afternoon and he has not been able to read my letter. But it shows that the Opposition is already constructively attempting to suggest a way forwards, in order to make sure that this Parliament and indeed the Government and the Opposition are united as far as possible in making sure that what is an important challenge to Gibraltar and to the future of Gibraltar is met as effectively as possible.

2295 And I finalise by saying this, Mr Speaker: that I think it is important that we do not close the door to any potential way forward that is obviously workable for Gibraltar and that delivers for Gibraltar the type of access in particular that we need in relation to the European Union, but also less important access to any trade deal that the United Kingdom may have with third parties.

2300 But equally as important as the first, in my view – and no doubt we will hear about this during the course of the Budget speech and the intervention of the Minister for Financial Services – is uninterrupted access to the UK market in the areas which I outlined last week, gaming, insurance and financial services in particular.

2305 And that the UK Government understands, Mr Speaker, that having effectively got us into the position that we are in, because the UK Government and the current Prime Minister called the Referendum, that obviously it then needs to do all that it can in order to make sure that any restrictions on our operators trading in the United Kingdom are removed as quickly as possible and that restrictions that we have seen in the past, that perhaps those are also revised. And I know that the Hon. the Chief Minister is also in fairness working in relation to that.

So, Mr Speaker, that is all I wish to say at this stage. *(Banging on desks)*

2310

Mr Speaker: The Hon. Ms Marlene Hassan Nahon.

Hon. Ms M D Hassan Nahon: Mr Speaker, thank you.

2315 As I thank the Chief Minister for his briefing, Mr Speaker, may I rise to clarify one aspect of the Chief Minister's address, given that he says he is willing to involve me in his briefings? Can I just ask him what mechanisms he is going to put in place to ensure the regularity of those briefings?

2320 And, Mr Speaker, I would also like to say a couple of words. I would like to say to the House and to the people of Gibraltar that I am proud to be part of a people who are united, especially now – a people who know what is good for them and a people who are outward looking. We are not an insular people and we thrive on our acceptance of all cultures. This is a reflection of our maturity as a people, as seen by the overwhelming result of our part in the Referendum last Thursday.

2325 Therefore I take this opportunity to call for unity, Mr Speaker, because I believe we need to stand shoulder to shoulder, as Members of the House have always done in times of great adversity, to protect our own interests because nobody will protect Gibraltar's interests like we will here in Gibraltar. That is a fact and I applaud the Government's efforts in exploring all avenues to take control of Gibraltar's future.

2330 Also, Mr Speaker, I would like to take this opportunity to call for Gibraltar's solidarity with our European brothers and sisters in the light of the recent hate-filled attacks in the UK today and last night and I remind them that they are as welcome here today as they were this time last week.

Thank you. *(Banging on desks)*

2335 **Mr Speaker:** Before we return to the more mundane matters of Question Time, I have a copy of a letter here which I think I should bring to the attention of hon. Members, because I think it will please them to see in what very high regard the team that conducted the Referendum here in Gibraltar have been held by the Electoral Commission in the UK.

2340 The Clerk of Parliament works to me in his capacity as Clerk. As Returning Officer or as the officer in charge of conducting the Referendum, he has of course nothing to do with me, but I feel that I should take this opportunity to acquaint the House with the fact that Mr Martinez has received from the Chief Counting Officer of the Electoral Commission in the UK, a letter of thanks and of high praise for the work not only conducted by Mr Martinez but his whole team, in the smooth manner in which the whole show, the whole of the Referendum was conducted and the count afterwards.

2345 They ask that thanks be passed on to all his colleagues and I am sure that all Members in the House and Gibraltar generally will welcome the fact that we have people in Gibraltar who can rise to the occasion and carry out such a task to such great satisfaction.

2350 **A Member:** Hear, hear. *(Banging on desks)*

2355 **Hon. Chief Minister:** Mr Speaker, can I just associate the Government and no doubt all Members of the House with those words on behalf of the Electoral Commission. I think all of us were hugely impressed by the way that Gibraltar was able to synthesise with the UK for the purpose of this Referendum. We had expected that we would be able to because the Clerk has shown that he does it so effectively at European Election time, but we were in a different way under the microscope this time that we were not before.

2360 Can I just say that the fact Gibraltar reported its results first – let alone that they were so resounding, but that they were reported first – put Gibraltar in the minds of everyone who was watching that night. And I think everyone who was watching that night at the end of the

process, at least the political people, knew that Gibraltar had voted massively in one way and that the United Kingdom had in the end, by a smaller margin, voted in another way. So I want to associate the Government with the words of the Electoral Commission, and in fact the whole House and community with the words of the Electoral Commission, in thanking the Clerk.

2365 And may I simply deal with the issues that have arisen in clarification of my statement. Can I thank the Minister for Financial Services for the information that he has given the House. No doubt he will elaborate on that during the course of the Budget debate next week, but although the Deputy Chief Minister and I and other Members of the Government were aware of that, I think he will have given great comfort to others in Gibraltar and no doubt all Members of the House to hear just what reassurance we are receiving from international businesses in Gibraltar about their continued commitment to Gibraltar going forward.

Can I thank the Hon. the Leader of the Opposition for his words of support and unity. We had an opportunity to speak earlier and we will be looking to see how we can give greater shape to the way that we are going to work together in the coming weeks and months and perhaps years.

2375 Can I say to the hon. Lady that will to a very great extent determine how I am able to also include her in briefings, so that when we come to this House we are all aware of what we are talking about? There may be things that we are not comfortable saying in the context of the broadcast of this House because we want each other to know what we are doing to secure Gibraltar's position; we do not want to give a heads up to those who want us not to be in a secure position, to know what we are doing. It is therefore important to all of us to have the information.

2380 And can I simply reflect that when Gibraltar acceded into the European Economic Community, there was a Bossano, a Canepa and a Hassan in this House and so it looks good, Mr Speaker. We may still have a chance to stay!

2385 **Mr Speaker:** Question 359.

Clerk: Question 359, the Hon. –

2390 **Hon. Chief Minister:** Mr Speaker, just for the purposes of the historical record, I am reminded that there was also an Isola. (*Laughter*) Things are looking up indeed, Mr Speaker! (*Banging on desks*) Things are looking up indeed!

Questions for Oral Answer continued

HEALTH, THE ENVIRONMENT, ENERGY AND CLIMATE CHANGE

Q359/2016

**Ambulance service –
Plans to relocate**

Clerk: Question 359, the Hon. D A Feetham.

2395

Hon. D A Feetham: Yes, Mr Speaker, on that positive note, can I ask the Government, are there any plans to relocate the ambulance service?

2400 **Clerk:** Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, yes sir.

2405 **Hon. D A Feetham:** Well thank you very much, Mr Speaker, and can he elaborate on those plans, please?

2410 **Hon. Dr J E Cortes:** Mr Speaker, a public announcement was made some months ago regarding the potential use of the Rooke site and that one of the possibilities was incorporating an emergency services hub. So that is one of the areas where consideration is being given.

In the interim there are also plans within the context or the confines of St Bernard's Hospital to do some changes in order to better accommodate the ambulance crew. But the longer-term plan that is being considered is the Rooke site.

2415 **Hon. R M Clinton:** If I may, Mr Speaker.

Mr Speaker: The Hon. Roy Clinton.

2420 **Hon. R M Clinton:** Thank you. Mr Speaker, could the Hon. Minister please elaborate what he means by an emergency services hub. Would that include the Fire Brigade?

2425 **Hon. Dr J E Cortes:** No, Mr Speaker, I cannot speak for the Fire Brigade. I refer the hon. Member to a Press Statement some months ago which mentioned the possibilities for the Rooke site. I cannot elaborate any further other than to answer the question that I have been asked in relation to the possibility being considered of moving the ambulance service.

Hon. D A Feetham: So when the hon. Gentleman talks about an emergency hub, he is just talking about the ambulance service and nothing else?

2430 **Hon. Dr J E Cortes:** Mr Speaker, I am talking about the ambulance service. I am not in a position to elaborate further.

Mr Speaker, this is all on public record if the hon. Members opposite do their research.

2435 **Mr Speaker:** Question 360.

Q360/2016

Dementia residential care facility, Old Naval Hospital – Service provider

Clerk: Question 360, the Hon. D A Feetham.

2440 **Hon. D A Feetham:** Mr Speaker, can the Government confirm the chosen service provided to run the dementia residential care facility at the Old Naval Hospital?

2445 **Clerk:** Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, it is presently Grand Home Care but subject to the negotiations to further reduce the cost to the Taxpayer.

2450 **Hon. R M Clinton:** Mr Speaker, is the Minister in any position to disclose what the successful – or we are led to believe the successful – tender amount by Grand Home Care was?

2455 **Hon. Dr J E Cortes:** No, Mr Speaker. There was a panel that considered the various applicants for this contract. Grand Home Care was the preferred applicant and there are discussions at the moment into the costing, particularly the costing also a little bit on the manning levels, but I am not in a position to disclose that because we are still negotiating.

2460 **Hon. D A Feetham:** Yes, Mr Speaker, but my understanding, and the Minister will correct me if I am wrong, this particular service has gone out to tender has it not? Therefore presumably Grand Home Care was the lowest tenderer. Well, the Government is not obliged to take the lowest. It may be that the view the Government took was that Grand Home Care provided the best service and you are now trying to reduce the cost. Can he explain whether it is one or the other? Were they the lowest tenderers, Grand Home Care?

2465 **Hon. Dr J E Cortes:** Mr Speaker, I was not part of the tender process, but the tender process took into consideration cost as well as the ability to deliver the service. Because we are currently negotiating with them, I do not think it would be appropriate for me to give any further information.

2470 **Hon. D A Feetham:** But, Mr Speaker, was there a tender process in relation to this? Is this a situation where the service has actually gone out to tender and Grand Home Care have basically said, 'We can provide this service for x thousands of pounds'? Can he at least confirm that?

2475 **Hon. Dr J E Cortes:** Mr Speaker, expressions of interest were invited and a number of different organisations gave their proposals. These were considered by a board, and I think there is a question – in fact, I think, two questions – down on that, taking into account costs as well as their ability to provide the service we require. Grand Home Care, and it is already in the public record before today, were the preferred option and we are currently in negotiations with them.

I am not going to give any more details because it would not be proper for me to do so.

2480 **Hon. D A Feetham:** Mr Speaker, yes, but then there has not been a tender. What the Hon. the Minister is saying is that there was no tender, that there were invitations for expressions of interest, that those expressions of interest came in and that the Government have identified Grand Home Care as their preferred option, presumably based on both cost and quality of care, and you are now negotiating with them in order to see whether you can drive the price down. Is that an accurate way of characterising it?

2490 **Hon. Dr J E Cortes:** Mr Speaker, that is not what I have said. I have said that we are looking at costs and the service that they can provide, and I am not going to be drawn into giving more details at a point when we are actively in discussion. I think that would not serve the community well.

2495 **Hon. R M Clinton:** Mr Speaker, if I may, following on from what my colleague the Hon. Mr Feetham asked, I would be grateful if the Minister could enlighten us in terms of what is normal procedure for this type of contract: whether a formal tender is issued; is the Procurement Office involved; and who decides to whom expressions of interest are sent?

2500 **Hon. Dr J E Cortes:** Mr Speaker, the providers in this field are limited and well known in Gibraltar. The Government works with virtually all of them and the panel that discussed and met with all the applicants was made up of professionals – it is pre-empting Question 362 – in the field.

2505 **Hon. D A Feetham:** Mr Speaker, but he understands that there is a distinction between ... and the Hon. the Father of the House will understand it – there is a difference between something going out to tender, whether it is handled by the Procurement Office or not, and an invitation of expressions of interest. There is a difference. In relation to the former there is a price, that price goes in, and normally will go to the lowest tender but not always because there may be other factors. At least can he tell me has there been a formal tender here, or is it an expression of interest?

2510 And also – this will be my last question – in that expression of interest or that offer that was made pursuant to a tender ... I am not asking for the actual price; I am just asking were Grand Home Care the cheapest option.

2515 **Hon. Dr J E Cortes:** Mr Speaker, as I have already said, it was a call for expressions of interest and I am not going to give any further details because we are in the middle of negotiations.

Q361/2016
Dementia day centre –
Progress

Clerk: Question 361, the Hon. D A Feetham.

2520 **Hon. D A Feetham:** Mr Speaker, can the Government explain what work has been done in the past 12 months and is currently being done in order to open the dementia day centre?

Clerk: Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

2525 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, works to the building have been completed, handover of the building is expected next month, recruitment is in progress and the purchase of equipment and furniture is in progress.

2530 **Hon. R M Clinton:** Mr Speaker, dare I ask the Hon. Minister for a projected opening date?

Hon. Dr J E Cortes: You dare, yes, you may dare. Are you going to ask me, or are you just asking me whether you may dare? *(Laughter)*

2535 **Hon. R M Clinton:** I do love your wit! *(Laughter)* Do you have a projected opening date, Minister?

2540 **Hon. Dr J E Cortes:** Mr Speaker, we are projecting to open in September. It is tight, I will admit it, because we have a lot of work to do, but I am meeting with the team on a weekly basis and I am confident that we should be able to meet the September target.

Clerk: Question –

2545 **Hon. D A Feetham:** May I just come back to this? The Hon. the Minister mentioned that the Government is undertaking recruitment, I think he said. Is that recruitment additional to any labour that has been provided by the service provider – in this case let's assume Grand Home Care – under its service provision contract?

2550 **Hon. Dr J E Cortes:** Yes, Mr Speaker, there will be a few clinical – I mean very few, a handful, two or three; I do not have the exact figures here – and supervisory admin roles that will be included as well as the contracted carers.

The clinical involvement in the day facility will be provided by the GHA. We are talking about speech therapists, that sort of thing, and a small element of supervision of the contractors.

2555 **Hon. D A Feetham:** And, Mr Speaker, will this involve a transfer of existing employees from other parts of the GHA into this particular facility, or are we talking about advertising for new posts? Are they new posts, effectively?

2560 **Hon. Dr J E Cortes:** It will involve both. There will be a lot of services which will be just a change in location – the memory clinic being one – but there are one or two, a very small number of posts, that are being provided for as additional.

2565 **Hon. R M Clinton:** Mr Speaker, would the Hon. Minister be able to advise whether the residential care centre and the day care centre were bundled as one service in terms of expressions of interest, or will they be separate contracts – or are we looking at two different service providers?

Hon. Dr J E Cortes: They are being handled separately, Mr Speaker.

2570 **Hon. L F Llamas:** Is the Minister able to confirm, then, who has been the successful applicant for the day centre?

Hon. Dr J E Cortes: No, Mr Speaker.

2575 **Hon. D A Feetham:** And, Mr Speaker, in relation to the day centre, is this also a case where the Government or the GHA is in negotiations with Grand Home Care, or is the GHA in negotiation with somebody else for the provision of this particular service?

2580 **Hon. Dr J E Cortes:** The process of dealing with expressions of interest is current, and this is part of the recruitment process that I was referring to.

2585 **Hon. D A Feetham:** I think that certainly on this side of the House we would benefit from clarification, because when the Hon. Minister talked about recruitment, automatically what came to mind was that the Government was either going to be relocating existing employees into this particular facility or alternatively advertising for new jobs. But then when he has talked about service providers, that conjures up a different type of approach that is not a recruitment of individuals. What that is is the contracting out of the service.

2590 Could he explain this? Because also the Hon. the Minister for Health has also said that you are talking about very few posts – two or three I think he mentioned at one stage, or three or four – so how do you recruit and also contract out service providers in relation to just simply four posts?

Hon. Dr J E Cortes: Mr Speaker, in order to clarify, there will be a contracted provision for the caring, nursing element, which is currently in process, a similar process to what happened for

2595 the residential centre, where I said Grand Home Care is the one that is being discussed, and there is a separate process of a small number of posts that are being recruited or transferred.

2600 **Hon. R M Clinton:** Mr Speaker, if the Hon. Minister could clarify, he is giving a date of opening of September for the day care centre but he has not selected a provider yet. I believe for the dementia residential we are still talking about ... autumn, I think, was the last, more or less, date that he gave. Given that you already have a preferred supplier for the dementia residential care centre, how is it you are more confident for the September opening date for day care, even though we have not got a preferred supplier yet?

2605 **Hon. Dr J E Cortes:** It is a totally different thing. You are not talking about 24-hour care; you are talking about nine to five, eight to six, that sort of thing. The human resource element will be smaller. There is also the possibility of a phased opening, floor by floor; so it is not a challenge, we are still on time to deliver by that time.

2610 Remember, a day centre is not the same as manning a residential home 24 hours a day. It is a very different operation. It is an easier thing to do and much quicker to generate than a 24-hour shift service with all sorts of covers of shifts and overnight security and that sort of thing, providing food or whatever. So with the day facility we can still say we are on track because it is a much less complicated thing than a home that has to be open 24 hours a day.

2615 **Hon. R M Clinton:** Mr Speaker, I am sure the dementia carers and also the future users of the facility will very much appreciate that.
Thank you.

Q362/2016
Old Naval Hospital dementia facility –
Panel of experts

Clerk: Question 362, the Hon. D A Feetham.

2620 **Hon. D A Feetham:** Mr Speaker, can the Government disclose the names and posts of the panel of experts who have chosen the preferred applicant to run the dementia residential care facility at the Old Naval Hospital?

2625 **Clerk:** Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, this is one that got away. I should have combined it with the earlier one, but when you have about 120 questions to answer, if one gets away, there we are – maybe two get away.

2630 I do not think it is appropriate to disclose the names of the panel, but I can assure the Member opposite that they were all highly experienced and of a qualified professional capacity in health. I would be happy to provide the names on a confidential basis.

**Q363-364/2016
GHA Complaints –
Complaints received**

Clerk: Question 363, the Hon. D A Feetham.

2635

Hon. D A Feetham: Mr Speaker, how many complaints received by the GHA Complaints Board in each of the financial years since 31st March 2012 related to (a) the service at the Primary Care Centre and (b) the accident and emergency ward of St Bernard's Hospital?

2640

Clerk: Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, I will answer this question with Question 364.

2645

Clerk: Question 364, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, please give details of the number of complaints received by the GHA Complaints Board for each of the financial years since 31st March 2012 together with the number of complaints upheld. And, Mr Speaker, if the hon. Member is minded to provide that, obviously he can provide it in the schedule exactly.

2650

Clerk: Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

2655

Hon. Dr J E Cortes: Yes, Mr Speaker, the information is provided in the schedules which I now hand over. There are two tables on that sheet of paper.

Answer to Question 364-2016

Answer to question 363-2016

	PCC complaints	A&E complaints
1 st April 2012 to 31 st March 2013	25	17
1 st April 2013 to 31 st March 2014	51	19
1 st April 2014 to 31 st March 2015	41	27
1 st April 2015 to 31 st March 2016	47	33

Answer to Question 364-2016

	TOTAL COMPLAINTS	UPHELD
1 st April 2012 to 31 st March 2013	125	67
1 st April 2013 to 31 st March 2014	160	99
1 st April 2014 to 31 st March 2015	165	92
1 st April 2015 to 31 st March 2016	222	44

2660 Please note that there is no such thing as a GHA complaints board; we have changed the law.
All complaints are handled by the Public Services Ombudsman through the complaints handling scheme.

2665 Since this system was introduced on 1st April all complaints, however minor, are logged, so the figures after that time are not directly comparable to previous years. Mr Speaker, before we introduced the ombudsman system, some of the minor complaints were dealt with in a less formal way and may not have been logged, so the figures are not totally comparable.

Mr Speaker: Are there any supplementaries arising from the information provided?
Question 365.

Q365/2016
External health referrals –
Reasons, institutions and costs

2670 **Clerk:** Question 365, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, can the Government provide a breakdown for each financial year since 31st March 2011 of referred health cases to medical institutions outside Gibraltar and the United Kingdom, detailing the reason, cost and medical institution where treated?

2675 **Clerk:** Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

2680 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):**
Mr Speaker, this was quite a task and I must here commend my personal staff and the staff of the St Bernard's Hospital and particularly the sponsored patient department for, despite all their onerous tasks in dealing with patients, extracting this information.

Mr Speaker, they are long, complicated schedules, so I suspect they are going to need a bit of time to look into. Clearly no names are included, as we have to make sure that these things are totally anonymous.

2685 I now hand over these schedules.

The document can be found here:

[Schedule to Question 365 of 2016](#)

Mr Speaker: Where schedules to answers are concerned, this one takes the biscuit: there are well over a hundred pages here of very, very small type.

2690 **Hon. D A Feetham:** Mr Speaker, I am very grateful to the Hon. the Minister for Health for answering this particular question; I think it is an important question.

The reason why I went back to March 2011 is obviously I wanted to compare the last year of our Government with the beginning of his Government to see whether there has been any perceptive change in the practice thereafter. That is the reason why I went back to 31st March 2011.

2695

Hon. Dr J E Cortes: Mr Speaker, I have to comment there. Clearly it is asking for a hospital other than the United Kingdom; the vast majority will be Spain. Prior to 2013 we did not have a contract with any Spanish hospitals and clearly that will be reflected in greater usage, but I am

2700 willing to answer – (*Interjection*) Yes, absolutely, and I am willing to answer any supplementary now, or later if they need more time.

Hon. D A Feetham: May I also thank the hon. Gentleman's staff and the individuals who compiled this schedule. It is by far the longest schedule that I have seen in my time in the House and probably one of the longest schedules in parliamentary history, so I am very grateful indeed to the hon. Gentleman's staff.

Hon. R M Clinton: If I may ask just one supplementary to this. The Hon. Minister mentioned contracts: would I be correct in assuming that the vast majority of contracts will be denominated in euros?

Hon. Dr J E Cortes: Sorry, I missed that.

Hon. R M Clinton: The contracts will be in euros, the currency?

Hon. Dr J E Cortes: Mr Speaker, I cannot answer that question. I suspect probably not. I need notice of that question.

The contracts were negotiated based on NHS UK prices, but whether that was converted to euros for the purpose of the contract is something that I would have to check. Please do remind me. I am happy to answer a letter. Do not rely on my memory – after three or four hours answering questions, that one might slip.

Hon. D A Feetham: Mr Speaker, I just have one or two supplementaries – figures that are striking, that caught my attention, and perhaps the Hon. Minister can help us with that.

We see, for example, that with Xanit Hospital obviously there is no history prior to 2013-14 because it is a contract that no doubt has been negotiated and agreed by this current administration. But then in 2014-15 we see payments to Xanit of £4.1 million, and then there is a marked increase in that figure to £7.1 million in the year 2015-16. Can he explain why there has been almost a 40% increase in terms of money in the service provided by Xanit?

Hon. Dr J E Cortes: Mr Speaker, Xanit was used before this administration but on an ad hoc manner and without a contract, and prices were not fixed. This contract does fix prices for particular treatments and is largely based on NHS figures.

The increase in Spanish hospitals, particularly Xanit, has been clear for a number of reasons. Xanit, as opposed to some of the National Health Hospitals, as a result of a certain amount of deterioration in standards, which were reflected in complaints, following the financial crisis that affected Andalusia until very recently, if not current ... and as a result of complaints we had little option but to redirect some of the patients. Therefore, although we do pay the Sanidad hospitals, those bills come delayed sometimes by several years because they are processed through the EU or the UK as the case may be.

Also, there is an increasing preference by members of the community to be treated in Spain, as opposed to the UK, because they are closer, because relatives can visit them at the end of a drive of an hour or two rather than move all the way to the UK. But also the fact ... and I do not have the figures here, but if I am asked the figures for the number of sponsored patients as a whole the number of sponsored patients is increasing very, very greatly as awareness increases, new medical opportunities increase, but also the fact that a sponsored patient who is new this year will still be a sponsored patient next year, the year after and the year after if they are still undergoing treatment. So there has been an increase in the number of sponsored patients which will largely mirror the increase in costs.

2750 **Hon. D A Feetham:** Yes, Mr Speaker, in due course we will do the analysis, because what the
Hon. Minister is saying is that we can expect to see perhaps some decrease in the use of other
Spanish institutions in favour of Xanit over the years. It does not strike me as such, looking at
2755 these figures, but we will undertake an analysis in due course, because of course we can see
from this that when we were in Government, in the year ending March 2011 £1.2 million was
being spent on Xanit and that has increased to £7.1 million at the end of this particular financial
year.

But, Mr Speaker, I also see that there is a substantial increase in the use of the Clínica
Universidad de Navarra. The Clínica Universidad de Navarra is a world-renowned cancer centre.
Unfortunately, I had reason to send my mother there and it is a *fantastic, fantastic, fantastic*
2760 centre. We see that there is an increase from £7,000 at the end of 2013, to £627,000, nearly
£628,000, at the end of March 2015, and this year it has been £½ million. Can he explain why
there has been such a significant increase in what is a world-renowned but of course a private
hospital as well?

2765 **Hon. Dr J E Cortes:** Yes, Mr Speaker. Clearly the Clínica Universidad de Navarra, which is
known locally as Pamplona, is a private hospital with which we are discussing contracts – we do
not have a firm contract with them – and is generally used very exceptionally, without going into
too many details because there are a handful of people whom I do not want to be identifiable as
a result of this discussion. It is used quite infrequently, generally for particularly difficult cases.
2770 The success rate is probably not as much as we would like. In some cases it does add some
months or years to people’s lives – obviously, it is a very delicate issue – and there has been
some success and there have been some referrals there, although as I say, it is carefully
managed and is usually for specifically difficult conditions where they happen to be the place to
go.

2775 There will be other places, some in the UK, some in Europe, and over the last four years I
recall particular patients have been sent to Switzerland or Germany and these are all patients
with particular conditions. It tends not to be the rule, but that is why it features now and it
would not have featured before.

2780 **Hon. D A Feetham:** So am I right in saying that if a particular cancer can be treated in Xanit,
for example, or in the United Kingdom in particular, that the GHA would not consider sending an
individual to Pamplona, even though obviously everybody wants to go to Pamplona because
Pamplona is one of the most renowned centres in Europe if not the world, and if one had the
choice one would go to Pamplona rather than go somewhere else? Certainly, if I unfortunately
2785 had a member of my family ... that is something that would play on my mind too. But this is the
provision, of course, of a National Health Service, where very difficult decisions have got to be
made and I am just trying to really get to the bottom of the criteria for sending somebody to
Pamplona rather than somewhere else.

2790 **Hon. Dr J E Cortes:** Mr Speaker, let me just say that Pamplona is not *the* place for every
condition, and there are many conditions that are better treated or just as well treated in other
centres of excellence, such as the Royal Marsden and so on.

But, Mr Speaker, these are clinical medical decisions and not political decisions. It is up to the
clinician to identify the case that would most benefit from referral to Pamplona or anywhere
2795 else. They are not political decisions. We do have agreements with a host of hospitals in the UK,
for example, and most of our cancers would go to the UK rather than to Xanit or Pamplona; but
clinically, sometimes there are cases which merit other consideration. But they are medical
decisions and not political ones.

Q456/2016
Primary Care Centre –
Complaints

2800 **Clerk:** We now move to questions to the Hon. the Minister for Health and the Environment, Energy and Climate Change by the Hon. Ms M D Hassan Nahon.
We commence with Question 456.

2805 **Hon. Ms M D Hassan Nahon:** Mr Speaker, if I may, I am aware that this is the first time I address or even ask questions to the Parliament as an independent Member of the House, and that some of you, and even the people of Gibraltar, may have some questions and even deserve clarification on how I perceive this role. But I will address this at our budgetary session next week, where we will also have a fuller House. In the meantime, I shall proceed with my questions.

2810 Can the Minister for Health state whether he believes and has evidence to the effect that things are working better in the Primary Care Centre and whether complaints have decreased in the last few months since I asked the question and was asked to give quote 'a few months' to see improvements?

2815 **Clerk:** Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

2820 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, I thank the hon. Lady for giving me the few months – although we have not sat, but I appreciate that comment.

2825 Mr Speaker, there are many ways in which one can say the system has improved. One is the relatively low rate of official complaints received with regard to the appointment system. I say 'official' because there will be complaints on Facebook and so on. Sadly, many of the complaints on Facebook, if I might just digress for the moment, never get to the people who need to see them, so I would encourage people with complaints to actually write in or phone in or email.

2830 But anyway, there are only six officially registered complaints since January until now. The majority of these centre on the fact that the patients have not been able to see their preferred doctor and not that they have not just had access to a GP: they have seen a GP but not their preferred doctor.

2835 Another sign of improvement may be fact that on some days we are seeing advance appointments left over from one week to another or the fact that emergency appointments are not always being taken up. The most solid evidence is the increase of routine slots available from 1,361 slots in January for advance appointments, to 1,905 offered in May, or 1,630 slots offered for on-the-day appointments in January, compared to 2,805 on-the-day consultations attended to in May.

The most common concern expressed by service users is around the fact that they may need to call on subsequent days before they get a slot with their preferred doctor. However, the service has responded to this by having all doctors on an on-the-day appointment only rota. This has resulted, in most cases, in an improvement in access.

2840 The routine appointments and advanced appointments in a public health system must prioritise those people who have an illness and not, as was the case previously, with the same clients pre-booking appointments as a matter of routine month after month.

2845 In the old system, all advance appointments were exhausted for the month by 10 o'clock on the first of the month. Now you have to phone again but you have a chance of getting an appointment. Patients were then not inconvenienced by having to phone over a few days as there was not an advance appointment to be had anyway.

2850 **Hon. Ms M D Hassan Nahon:** So, Mr Speaker, is the hon. Gentleman, the Minister for Health, saying that the plan and the system that he has put in place is carrying on as has been started, or is he still changing things around; or are we carrying on with the new system, or are we looking for different ways, different improvements, all the time?

2855 **Hon. Dr J E Cortes:** Mr Speaker, we are looking for improvements all the time. The system, I think, from the evidence provided to me, is better. I can, for example, say I have got the figures for June so far in front of me and on every day there have always been some slots not used. We have never, in the whole month, actually reached a point where there were no emergency slots available. There may not be a slot with your own doctor – that doctor may be away on leave, may be sick or whatever. As I said before, we have been playing around with the system. Between January and May we have increased the number of slots offered. We have made sure
2860 that some doctors have only on-the-day appointments regularly, so that people will know that they can see their particular doctor. So we are slowly moving forward.

I would not say that this task is finished; I would say we still have room for progress. I welcome people asking, and even complaining, because it will help us improve the system further. So I think it is better, but we always have room for improvement.

2865

Hon. E J Reyes: Mr Speaker, may I ... if the hon. Lady has finished?

I am very interested with what the Minister answered at the very beginning. He said that he is aware, as I am, of people expressing many views which can be classified, broadly speaking, as complaints and so on, yet when it comes to official figures, which is what the Minister can only answer for in this House, it was down to six.

2870

Can he give us, the general user of the Primary Care Centre, some guidelines? If I am wishing to put forward a complaint or grievance or something, what is the Minister's recommended process – which by all means would have to be far better than Facebook?

2875 **Hon. Dr J E Cortes:** Yes, Mr Speaker. I think, if it is related specifically to primary care, it is to talk to the primary care administration team either directly or by e-mail – they are available by email – and make sure that they are aware. If it is a more general complaint or maybe a more serious complaint, then clearly we have the complaints handling scheme, which I mentioned earlier in answer to a question from the Hon. Mr Feetham. But I think the first point of contact would be the management team in the Primary Care Centre.

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Hon. E J Reyes: Thank you, Mr Speaker.

And therefore, in keeping with that, can I recommend and would the Minister take on board to look into it, perhaps a simple notice within the Primary Care Centre waiting rooms or whatever, saying 'Should you wish to bring something to our attention ...' and actually provide the e-mail address. Because sometimes when you go to the general counter you can be in the queue for a few minutes, and you have just come out of the blue waiting area and you are a bit upset, and the longer you wait the more you get upset. So in order to help us all to calm down at that moment a simple notice means it allows you to go back home and send your e-mail in a more cool, calm and collected yet constructive manner, which is what both the Minister and this side of the House would like to see.

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Hon. Dr J E Cortes: Mr Speaker, clearly there will be instances and occasions and times of the day or particular days when there will be a build-up and so on. This is why I say we have to keep on improving.

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People who use the internet will be able to have access to an e-mail address where all complaints can be sent, and they are all centralised in fact by one of my own personal staff and then sent to the different departments. But the idea of having a notice there specifying it is a good one and I will take it up. Thank you.

2900 **Hon. R M Clinton:** Mr Speaker, with your leave, if I may add to my hon. colleague's suggestion, again in terms of quality of service would the Minister consider a sort of an exit ... not so much a survey but a satisfaction process where you can then collect data from users of the centre on a daily basis as to how they perceive their experience and the interaction of the Primary Care Centre – a bit as we have all seen in the airport security queue lines, where you have these three or four buttons to press: were you happy with your service today, or not? That would then give you an anonymous source of real data as to people's perceptions and their experience of the Primary Care Centre.

2910 **Hon. Dr J E Cortes:** I take the point. I thought for a moment that the hon. Member was suggesting that we have staff doing questionnaires there, and frankly I think we would all rather they be doing other things more directly with patients. But an electronic method is a possibility, and again it is something that I will be very happy to look at.

2915 **Hon. E J Reyes:** If it helps the Member, Mr Speaker, I think there is one at Gibtelecom offices here, just a stone's throw away from this building. Maybe we can get them to sponsor it.

Q457/2016
St Bernard's Hospital –
Security re dementia patients

Clerk: Question 457, the Hon. Ms M D Hassan Nahon.

2920 **Hon. Ms M D Hassan Nahon:** What measures do we have in place in terms of security for dementia patients who are admitted in St Bernard's Hospital to ensure that they remain at all times within the hospital premises?

Clerk: Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

2925 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, St Bernard's Hospital has three uniformed security guards, on a 24-hour seven days a week basis, stationed at St Bernard's Hospital.

One is stationed at the main reception to monitor CCTV, another is based at the accident and emergency department for obvious reasons, and a third guard carries out patrol duties.

2930 Wards are locked with a door access card system, and if the risk is significant nurse management will allocate one-to-one supervision, depending on staffing constraints.

2935 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I have been made aware of a case who escaped at night – and yes, thankfully, I have only heard of the one case so far, but can we use this as alarm bells, despite the hon. Member saying that he has three ... so that this does not happen again, obviously?

2940 **Hon. Dr J E Cortes:** Yes, Mr Speaker, I am aware of that case and it is regretted. It is the only one I am aware of in many, many years; one case which has resulted in systems being checked and awareness being increased.

Fortunately, nothing untoward happened. It does happen in hospitals all over the world. It is regrettable and we have taken steps to try and ensure that it does not happen again. But I appreciate the comments.

Q458-468/2016
General Medical Council –
New framework

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Clerk: Question 458, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Did the Minister for Health, or indeed the Health Ministry, consult doctors or practitioners prior to and since its decision to enforce General Medical Council regulations by the second half of 2016?

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Clerk: Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, I will answer this question with questions 459 to 468.

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Clerk: Question 459, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: What is the plan of action as regards the upcoming implementation of General Medical Council regulation vis-à-vis doctors permanently employed since before the law was passed, and what will happen to those doctors who do not wish to register?

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Clerk: Question 460, the Hon. Ms M D Hassan Nahon.

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Hon. Ms M D Hassan Nahon: Have Government considered and factored in the cost to re-educate doctors and send them out to retake courses in tertiary clinics and universities as part of the new General Medical Council framework?

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Clerk: Question 461, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Has Government made arrangements with British universities for the re-training of doctors as part of the new General Medical Council framework?

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Clerk: Question 462, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Before the new General Medical Council regulation is put in place, has Government ensured that a support body for doctors, like the BMA in the UK, be put in place in order to counterbalance an authority like the General Medical Council? What has been arranged in terms of support for doctors?

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Clerk: Question 463, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Will we have a programme of continued revision and assessment to comply with the General Medical Council Standards that the Government will be setting doctors?

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Clerk: Question 464, the Hon. Ms M D Hassan Nahon.

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Hon. Ms M D Hassan Nahon: Does Gibraltar have the infrastructure to be able to cope with this new regulatory standard that doctors will be forced to comply with?

2995 **Clerk:** Question 465, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: How does the new order of subscription to the General Medical Council tally with our doctors who are also working within the Spanish system?

3000 **Clerk:** Question 466, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: In connection with the new General Medical Council framework about to go live, has Government set a frequency for revalidation as is done in the UK, where there is a five-year plan? Will there be a similar revalidation timeline put in place for Gibraltar?

3005 **Clerk:** Question 467, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Who will be doing the peer review or appraisals when the General Medical Council Framework is implemented?

3010 **Clerk:** Question 468, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Who is going to be the responsible body and officer once the General Medical Council structure comes into place?

3015 **Clerk:** Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, the Minister for Health and the Registration Board have been in extensive
3020 consultation with doctors since 2013. This included periodic e-mails and updates from the Medical Registration Board to registrants, open presentations for all doctors private and public, meetings with the Minister – myself – with doctors' representatives, regular meetings of the Revalidation Committee set up by me, regular meetings with private doctors and periodic meetings with the resumed Medical Advisory Committee of the GHA.

3025 All doctors have to obtain a licence from the General Medical Council, as this is essential to raising standards at all levels and to providing public confidence in the Health Services.

The General Medical Council has several procedures for doctors with different levels of achievement and help is available to assist doctors in selecting the route appropriate for them. Doctors who do not wish to register will be encouraged to do so, so that they do not lose the
3030 ability to practise.

There is no requirement for doctors to be re-educated or to undertake courses in tertiary clinics and universities. The GMC only expects a doctor to possess the minimum undergraduate medical qualification. Any doctor, who can satisfy the GMC that he or she has either a recognised primary medical qualification or has achieved a level of competence equivalent to
3035 such a qualification will be granted a licence to practise.

There is no requirement for doctors to be retrained under the framework. They have to show evidence of a recognised primary medical qualification or the basic level of competence equivalent to that of a newly qualified doctor.

3040 The GMC is a statutory regulatory body in the UK. Gibraltar has its own statutory regulatory body, the Medical Registration Board, which works separately from the GMC but in partnership with it.

The BMA is a trade union. Many Gibraltar doctors have joined other trade unions already operating in Gibraltar, such as Unite or GGCA. However, doctors are free to join the BMA should they so wish. There was a time, Mr Speaker, when they had a branch in Gibraltar, but that is no
3045 longer the case.

The Medical Registration Board has been setting standards for doctors practising in Gibraltar from its inception in 1997 and it has largely applied the GMC Council standards for its purpose. Hence there should not be any significant change in the standards expected of doctors in Gibraltar, although, through the need for appraisal and revalidation, standards are expected to rise.

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The main additional responsibility that doctors will have to undertake is the annual appraisal. The GHA has contracted with accredited appraisers to provide the appraisal services for doctors. It already has infrastructure that the GMC requires, like complaints procedures, clinical governance policy and the responsible officer system, while it is progressively building up other infrastructure such as clinical audit.

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Doctors who wish to practise in Gibraltar must obtain a GMC Council licence irrespective of nationality. The European Union requires that doctors who work in multiple EEA countries should be regulated by at least their country of establishment, but they may be subject to regulation by all the countries in which they work.

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Revalidation of doctors in Gibraltar will take place ordinarily every five years, as in the UK. For some doctors the first revalidation may occur sooner, for other doctors the responsible officer has the power to seek deferment.

In the case of GHA doctors, a contract has been in place for the past two years with Health Education Wessex to provide appraisals for all GHA doctors. Most private doctors have also set up similar appraisal agreements with Spire, which is a private medical organisation in the UK, or Wessex, the same one for the GHA uses, or other accredited providers.

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In relation to other designated bodies, the Medical and Health Responsible Officer Rules 2014 created designated bodies under the schedule, and these included (a) the Gibraltar Health Authority, (b) Post graduate medical deaneries established in the UK, and (c) bodies which employ or contract with medical practitioners.

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The Gibraltar Health Authority has appointed Mr Safwat Tosson as its responsible officer and he has been accepted by the GMC as a suitable person.

Hon. Ms M D Hassan Nahon: Mr Speaker, can I have a couple of minutes because there were about 10 or 12 questions and I need to look over anything that the hon. Member may not have dealt with?

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Mr Speaker: On one occasion today also we had a number of questions together ... *[Inaudible]* if hon. Members are agreeable, generally speaking it was a practice that I adopted previously, before the General Election, where such a huge number of questions are answered together, I could ask the answer ... *[Inaudible]* because I get here all the answers together. This would be made available at the end of the meeting. I think unless Government Ministers are not agreeable to the procedure ... , they were in the part, I think I should make that available, because I think it helps both sides, because sometimes listening to the answers to ... *[Inaudible]* questions, the questioner may not realise that he or she has received an answer until they see it in print.

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I am sorry that I did not do so ... *[Inaudible]* Trevor Hammond ... *[Inaudible]* I would like to do it now and continue to adopt that practice. Okay?

Hon. Dr J E Cortes: Mr Speaker, let me just point out that there is a logic behind the joining together. As I explained in the Environment section, they were all related to the Environmental Action and Management Plan, and these are all related to the registration of doctors. It is a logical sequence that I have followed and there was no reason other than pooling all together, because one does flow into the other.

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Hon. Ms M D Hassan Nahon: I completely understand that it is all one big package, but I now need to digest all the information and I cannot simply launch into supplementaries without digesting what the hon. Member has answered.

3100 **Hon. Dr J E Cortes:** Yes, Mr Speaker, I totally accept that. I just wanted, by way of explanation, to say that there was no malice in the –

Mr Speaker: No, it is a regular practice and I understand the Hon. Mr Elliott Phillips is already in a position to ask a supplementary. He can do so by all means.

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Hon. E J Phillips: I am grateful, Mr Speaker, and firstly I thank the hon. Lady for bringing this subject to Parliament. I think it is an interesting subject. It affects many doctors in our jurisdiction and I think the whole House should join us in saying they do a sterling job both in public and private practice.

3110 My question in particular addresses the question of non-EU doctors. The question of EU doctors I think was dealt with by the hon. Gentleman in respect of revalidation, but my question relates to the non-EU doctors and how the Government intends to deal with their revalidation.

3115 From my experience with those doctors who practise in Gibraltar, both in public and private, they have some very deep concerns and reservations about the regulation, and that relates mainly to their revalidation in Gibraltar. I would like confirmation from the Minister as to how they go about dealing with their revalidation and their recognition, because quite clearly many of the non-EU doctors who are practising, both in public and private, have done amazing work within the GHA and in their private practices, and I think we should be very careful when dealing with doctors who have had 30 years of unhindered practice in this jurisdiction and particularly, 3120 without any cause for complaint, that we should make sure that they are also catered for.

A Member: Hear, hear.

3125 **Hon. Dr J E Cortes:** Mr Speaker, absolutely. There are a handful of such doctors, not many, and there are ways in which the GMC can accept their revalidation, and I am, in fact – not just my team but myself personally – in discussion with the GMC to find a way through, and we believe that we have found a way because of the fact that they have been practising in Gibraltar for such a long time. The GMC has certain clauses which may be applicable here. I cannot go any further because we are still in discussions, but I am hopeful that by the time this now becomes a requirement, because I extended the period in order to allow persons like the doctors the hon. 3130 Member has mentioned, who are genuinely trying to register ... and there may be a doctor who decides he cannot be bothered for whatever reason, very very few, or may be concerned about their ability to reregister – and I do not know of any. Most of the doctors are absolutely working hard to revalidate and therefore we have extended the period to the end of the year and we are 3135 very close in our discussions with the GMC and I suspect this will be resolved, otherwise we will have to address the issue. But we are working to resolve it.

Hon. Ms M D Hassan Nahon: Mr Speaker, how would you propose I put forward my supplementaries – one by one?

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Mr Speaker: As you wish.

3145 **Hon. Ms M D Hassan Nahon:** Okay. I noticed there was a supplementary in the *Gazette* a few days after I put my questions forward, and from what I understand in my limited legal knowledge as a lay person is that the doctors who have been hired before 2017 are in a different package to those who will be taken in after 2017. If that is the case, does that not, in effect, provide a two-tier system, which would raise questions of different standards and doctors

having different treatment in that sense? Because I believe this is a worry for the doctors at the moment.

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Hon. Dr J E Cortes: No, Mr Speaker, that is not the case. I think the hon. Member may be referring to something else, in that doctors who were registered before 2015 had a slightly different regime, but the amendment that was published last week ... and it was not as a result of this question – this is something we had to publish before July because the time was arriving, and it was largely in order to rectify what may have seemed unfair but, in order to take account of those doctors who were genuinely legitimately trying to get their paperwork and so on in order with the GMC ... So there is no difference as to whether they are registering now or registering later.

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The law will apply as from 1st January 2017, requiring doctors to be registered and licensed by the GMC. If their licence is not due for another two or three years they will be registered in Gibraltar and then they will have to revalidate at that time, but I do not think there is going to be that difficulty in the future.

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Hon. Ms M D Hassan Nahon: As a supplementary to Question 460, the hon. Member says that there is no requirement for doctors to be re-educated or undertake courses, but from my understanding, speaking to doctors who practise in the UK, it is the failing doctors who need to keep up with and take courses This is all part of the GMC framework. Do we not have a structure for these failing doctors as part of the infrastructure that you surely must have been preparing in order for this system to work in order for doctors to be put right, shall we say, in terms of training. How would you go about this?

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Hon. Dr J E Cortes: Well, no doctors have failed yet because we have not introduced the system yet, although because we have been able to get a responsible officer, under our law, accepted as a suitable person, which is a legal term under UK law, by the GMC, we have already revalidated and licensed doctors, so this is already happening.

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Failed doctors will have to be dealt with at the time. If they are within the Health Authority, then the Health Authority will take a view as to why they have failed, as to whether it is issues that should concern the employer in a negative way or should suggest to the employer that they assist the doctor in making good those failings.

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If they are in the private sector, then it would be the private employer who would have to assume that responsibility. I suspect this is the case in the UK.

Hon. Ms M D Hassan Nahon: But, Mr Speaker, when you embark on a system of clinical governance to improve standards across the board, surely there has to be an overall skeleton of how this is going to be achieved. I understand that we have not started yet with the doctors – we do not have failing doctors because the system has not technically gone live yet – but surely there has to be a plan of action for when these things start to happen, because the whole point is to keep the standards up. If we do not have a system whereby we have not yet spoken to universities in England in order to provide the training for the doctors who are failing, what is the point of embarking on this system for higher standards?

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Hon. Dr J E Cortes: Mr Speaker, this is all speculative but I am not going to not answer for that reason.

Doctors who fail would not be able to continue to practice until they have taken remedial steps. The remedial steps could be extremely broad and wide. If they require some kind of support or they deserve some kind of support, then that will have to be considered on its merits. It could be that doctors who fail – and I think it is highly unlikely that any will – may have to have other more negative steps taken, depending on the reasons for failure.

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3200 I do not think we can see this as a negative. Until these regulations were introduced there
was no system of checking on doctors. You had to rely on people maybe coming up with
complaints and then referring it to the Medical Registration Board, perhaps referring it to the
GMC. At least now we will be able to ensure that by annual appraisals and by regular
3205 revalidation these standards are maintained, and I think we should look at the positive – always
being available to consider and discuss individual doctors who may, and I suspect there will be
very few, who fail in their revalidation. The support would be given absolutely if they deserve it.

Hon. Ms M D Hassan Nahon: Mr Speaker, I have no doubt that the support would be given,
and in particular working with the hon. Member behind the scenes, always willing to help
people, I can assure you that he is more than accommodating in his capacity as Minister for
3210 Health. But, in my humble opinion, I remain disappointed that the Government has embarked
on a system where they have not encompassed every single aspect of what can happen and how
they will deal with the remediation for that. But I will let it be and remain positive and hope that
there will be a plan if and when that does happen.

Turning to a supplementary on Question 462, which refers to the BMA and learning that
3215 there used to be a BMA in Gibraltar, which I actually did not know about, the hon. Member, the
Minister for Health tells me that doctors have joined different unions. The thing that also leaves
me disappointed is that, as we know, the GMC came about largely as a result of the horrendous
things that were done to patients by Harold Shipman. This was why the whole thing came about,
and basically the General Medical Council is there to protect patients. But doctors themselves
3220 need their own union for protection and the BMA is the bespoke union for doctors, so my
question was whether Government would look at bringing a support body or working directly
with the BMA in the United Kingdom as a bespoke medical union in order to provide for the
needs of doctors, which is a very technical profession and not a profession which can be
generically be taken care of by a generic union, in order that doctors themselves feel protected
3225 and so they can feel that there is a remediation system in place for them by a bespoke union.

Hon. Dr J E Cortes: Mr Speaker, the BMA is an independent trade union that doctors can join.
It is not for the Government or the Health Authority to decide what union the doctors wish to
join.

3230 There used to be a BMA in Gibraltar. It was still there when I left the GHA in my former
incarnation in 1991; it was no longer there when I re-joined it as Chairman in 2011. The
Government and the GHA cannot direct and would not dream of suggesting to its employees
which union they should join. They are currently represented by Unite largely and some by
GGCA. They are free to join the BMA, but this is something that would have to be at the
3235 instigation and initiative of the doctors and not of the Government or the Health Authority.

Hon. Ms M D Hassan Nahon: Does the hon. Member, the Minister for Health believe ... This
is as a supplementary to Question 464, when I asked about infrastructure to cope with this new
regulatory standard. Does he feel that doctors are feeling upbeat about this new system? From
3240 my understanding the morale is quite low and they do not feel ready to take on this new
infrastructure.

Hon. Dr J E Cortes: It depends on who you talk to. The initiative was largely spearheaded by a
group of doctors who were very concerned that if we did not enact laws in Gibraltar to allow
3245 revalidation while they were practising here, they would actually lose their licence to practise in
the UK, which they considered important in some cases because they may want to do locum
work in the UK or because they thought it was better for them on their CV and for their own
good standing to have this licence. So this was supported by a large body of doctors.

There were other doctors who doubted that we would be able to pull this off and be able to
3250 get the GMC support in establishing them – I am glad to say that we did get GMC support – and

many of those have said, 'Well done, it is something that we did not think you would achieve but was achieved.' There are some doctors who still feel that perhaps this is not the system that is most appropriate, but I am convinced that it will do a lot to improve the medical standards in Gibraltar, and I am also convinced that as we roll the system out our doctors will feel ... as
3255 happened in the UK, where there was a lot of debate for many years and now the general body of doctors actually accept that it is good for them and it is good for their patients.

Hon. Ms M D Hassan Nahon: In regard to the doctors who may not be the ones who are happy and supportive of this, does the hon. Gentleman worry of a possible exodus of the highly
3260 qualified doctors or consultants who do not want to be submitted to this, and that if there is an exodus ...? I understand a few doctors or consultants have already resigned.

Trust me, I am not in any way rubbing my hands with glee. My interests are always for the good of this community, but given that some are feeling disenfranchised, does the Health
3265 Minister have plans to bring in more doctors so that we do not have a domino effect of cancelled operations or chaos, shall we say, in the hospital?

Hon. Dr J E Cortes: Mr Speaker, I am not expecting an exodus – certainly not expecting an exodus of any doctor committed to improving standards. I am not aware of any doctor who has
3270 resigned specifically because they have not been able to register, and if doctors resign for whatever reason, or retire for whatever reason, we will of course replace them.

Hon. R M Clinton: Mr Speaker, if I may, would it be a logical conclusion to come to, in terms of future recruitment policy of say the GHA, that he would make it a requirement that any
3275 applicants should be registered with the GMC in future?

Hon. Dr J E Cortes: Mr Speaker, that is already a requirement as a result of this legislation. So any new appointments would have to be registered. The only exception would be they would
3280 have to convince the board that they were registerable without any issues and the appointment would then be dependent on that.

Hon. Ms M D Hassan Nahon: Mr Speaker, from what I understand, the responsible officer would be Doctor Tosson, as the Minister for Health has said. Has Government thought out how
3285 to ensure that in a small place like Gibraltar with a small hospital, that whoever the responsible officer may be – in this case, Doctor Tosson – he maintains a firm level of impartiality in ensuring that no doctor feels that any personal acrimony may lead to poor appraisals and poorer standards for them, and effectively a worse report?

Hon. Dr J E Cortes: Absolutely, Mr Speaker. Any indication that there was any abuse of position would be dealt with most seriously.

We also have a number of arrangements that are coming into place with regard to cases
3290 where, quite legitimately and for no negative reason, there may be a conflict between one particular responsible officer and perhaps a particular doctor. So we have arrangements coming into place with a number of UK bodies that we are linked with, so that we can use their responsible officer in order to be a backup to ours.

Hon. Ms M D Hassan Nahon: Going back to Question 459 and reading the response of the hon. Member, he says that doctors who do not wish to register will be encouraged to do so, so
3300 that they do not lose the ability to practice. This means that effectively some doctors who may insist in not wanting to join this body, this infrastructure, they will effectively lose their positions within the hospital. If that is the case, how long is the grace period until they have to pack up and leave, basically?

3305 **Hon. Dr J E Cortes:** Mr Speaker, doctors were given 18 months until July this year; they have been given an additional six months. This has been done because there are legitimate cases where there have been procedural issues. If that fails, then we will have to consider what action is taken, but as I said earlier in answer to the Hon. Mr Phillips, I am confident that with the progress that we are making with the GMC that will not be an issue, but I will have to address that when the time comes.

3310 **Hon. Ms M D Hassan Nahon:** One more question. I am sorry if I have missed it in all the answers that I have been given, but as from when this system goes live does this mean that the doctors who do have the six months' grace period, are they entitled to practise? How does it work exactly? Are they entitled to carry on, even if they are not with the GMC in the hospital?

3315 **Hon. Dr J E Cortes:** Yes, Mr Speaker, provided they are taking steps to register and they are not just deciding they do not want to – and I can tell you that all the cases I am aware of are taking steps to register – then they can carry on practising.

3320 Mr Speaker, they are all qualified medical professionals. We are going that extra mile to ensure an increase in standards, so it is not that anybody is at any particular risk. They are able to carry on practising until the end of the year because we feel that that is enough time for them to regularise the situation.

Q469/2016
St Bernard's Hospital –
Number of surgeons

Clerk: Question 469, the Hon. Ms M D Hassan Nahon.

3325 **Hon. Ms M D Hassan Nahon:** Within the last eight years, two separate reviews have concluded that St Bernard's Hospital was short on surgeons. This has not been listened to and we still have the same number of surgeons. Does the Minister for Health have any plans to adhere to these reviews as a matter of priority and increase the number of surgeons in the hospital?

3330 **Clerk:** Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

3335 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, this is not the case. The total number of surgeons in the past eight years has been: 2009, 15; 2010, 15; 2011, 16; 2012, 13; 2013, 16; 2014, 18; 2015, 19; 2016 reads 19 but in fact should read 20. Let me add that this is including all grades of surgeon from consultant through associate specialist to non-consultant hospital doctor.

3340 **Hon. Ms M D Hassan Nahon:** Mr Speaker, let me clarify: I was talking about surgeons, and if I have my information incorrect then I apologise but I want to make clear that I have been given information that there are two surgeons in the hospital, one locum and one regular. Can the Minister please confirm that this is in fact completely incorrect and we are talking about over 10, 12 numbers, as he says?

3345 **Hon. Dr J E Cortes:** Mr Speaker, I have included surgeons who are doctors who operate. That includes junior doctors, associate specialists, it includes gynaecologists, orthopaedic surgeons

and general surgeons, and the numbers ... and those are consultants. If we only look at consultants, the numbers have increased from seven to 12 from 2009 to the present.

3350 General surgeons: there are three consultant general surgeons and one associate specialist general surgeon. But the numbers of junior doctors have increased from I believe it was four to six, and they are the surgical team.

3355 We also use services on a sessional basis for particular specialities – for example, urology. We now have a urologist who does five sessions a week, which is half time, and I have not included that one. So the figures are there and I can put names to them – not here, obviously, but I could do that.

3360 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I have the names of two doctors who have recently resigned and I would like to ask the hon. Member how the GHA is mitigating this loss, how they are keeping up with operations based on the fact that two general surgeons, I believe they are, have resigned; and does this effectively mean more outsourcing to Xanit? Is there a direct correlation between doctors who are resigning or leaving and the influx to Xanit?

3365 **Hon. Dr J E Cortes:** That would be very hard to determine. I do not think so. These resignations are very recent: one is about a week old; the other one is a resignation/retirement, which is not effective until August and we have already started the recruitment process. So I do not think that any of those have resulted in cases referred to Xanit, but I would have to look case by case. Certainly one of them is not effective until August, so that would not be the case.

Q470/2016
St Bernard's Hospital –
Bullying of junior doctors

Clerk: Question 470, the Hon. Ms M D Hassan Nahon.

3370 **Hon. Ms M D Hassan Nahon:** Would the Minister for Health be willing to investigate the fact that various junior doctors in St Bernard's Hospital, despite feeling too scared to come forward about it, are feeling bullied by some in managerial or directorial positions?

3375 **Clerk:** Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

3380 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, let me first say – I made a note and then, because of all the issues we were dealing with ... I thank the hon. Lady for the favourable comments she made about me earlier. I do appreciate it and I will continue to co-operate with her in any way I can for the good of the people that we serve.

3385 Mr Speaker, any such allegation would of course be investigated without any cause for worry on the part of the complainants and I would encourage the hon. Lady to let them know that they can come and see me ... I am not saying tomorrow, because tomorrow we will be here but when next they have the opportunity, and I will more than willing on a confidential basis to take up any of their concerns.

3390 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I will do my best, obviously, but I think there is a lot of fear, and on that basis, if I am not at liberty I will not be able, much as I would like to, to collaborate. But I urge the Minister to keep an eye open for the low morale that is resulting out

of this and that he should take my word that the information I come with in this House is true and I will do my best to try and furnish him with more information on this.

3395 **Hon. D A Feetham:** Mr Speaker, it has to be said, in relation to this, that I have also received some complaints, and not only in relation to junior doctors but senior nursing staff, which I am looking at at the present moment in time. I do not know whether they are related or not, but certainly I am also prepared to sit down with the hon. Gentleman to make sure that this is panned out, because it is not in the interest of anybody to have low morale amongst either junior doctors or senior nursing staff.

3400 **Hon. Dr J E Cortes:** Mr Speaker, I must comment here. I have no doubt that the hon. Lady is convinced that the information she is given is correct and she would not bring it here if she thought it was not. In the case, for example, of the number of surgeons, it has not been correct, but that is no reflection on her, Mr Speaker, but on the information.

3405 But certainly anybody who feels that coming out with concerns cannot be done because of fear of some kind of retribution should absolutely have it clear that that is not the case, and I think the Members opposite know very well that I would deal with them in a proper manner because I would not tolerate such matters.

Q471-472/2016
Xanit Hospital –
Transfer of patients by ambulance

3410 **Clerk:** Question 471, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Are we using our own ambulances and doctors or ambulances and doctors from Xanit when transferring a patient to Xanit Hospital in Spain?

3415 **Clerk:** Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, I will answer this question together with Question 472.

3420 **Clerk:** Question 472, the Hon. Miss M D Hassan Nahon.

Hon. Miss M D Hassan Nahon: How much is it costing to transfer a patient to Xanit Hospital in Spain by ambulance?

3425 **Clerk:** Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

Hon. Dr J E Cortes: Mr Speaker, the information on costs is commercially sensitive but I would be happy to supply it on a confidential basis.

3430 A Xanit retrieval team is used when transferring critically ill patients to Xanit or other hospitals in Spain from St Bernard's Hospital. Local doctors are not used nor contracted to do so. The retrieval team and patient are normally transported by a GHA ambulance, but on occasions, although rare, subcontracted ambulances have been used.

3435 **Hon. Miss M D Hassan Nahon:** Mr Speaker, I would just like to make the hon. Member aware of the fact that I believe that some A&E doctors are feeling disenfranchised from this opportunity, which at the same time apparently costs more when using the Spanish alternative.

3440 **Hon. Dr J E Cortes:** Mr Speaker, A&E doctors should not feel that way because it would not be A&E doctors who transfer a critically ill patient; it would be an anaesthetist. (*Interjection by Ms M D Hassan Nahon*)

3445 The cost is for the crew. The anaesthetist service and the provision of the anaesthetist as such is not charged for separately. This was added because the GHA felt it exposed the community when we have a low number of anaesthetists present in the hospital, if one of them were to go on an ambulance to transfer a patient to Xanit and then we have got a couple of emergencies turning up.

3450 So an arrangement was made with Xanit as a result of the fact that clearly we have a relationship with them and they provide the anaesthetist without charging over the charge that was being charged for the crew. Therefore, I do not think that is correct. But our anaesthetists may not be aware and may be thinking that we are paying large amounts, which we in fact are not paying.

3455 **Hon. Ms M D Hassan Nahon:** I am sorry, I do not quite understand. Is the hon. Member saying that it is actually cheaper all round and logistically wiser and more viable to go with the Spanish option and not our own?

Hon. Dr J E Cortes: Mr Speaker, I am saying that it is not just cost. Sending an anaesthetist from St Bernard's to accompany a patient to Xanit is removing an anaesthetist who I would rather have here attending to possible emergencies.

3460 Therefore, in order not to delay, for example, a critically ill patient in transferring by having to call somebody in, for example – should they be available, which is not necessarily the case – and in order not to transfer a patient without an anaesthetist, an arrangement was made that for those critically ill patients, and it does not happen every day, Xanit supplies an anaesthetist to go with the patient.

3465 **Hon. D A Feetham:** Mr Speaker, in relation to Question 472, which was the question about the cost to transfer patients to Xanit in Spain by ambulance, and the hon. Gentleman has said that he is not prepared to provide that information, can he elaborate first of all – and I have got another supplementary, but can he elaborate why the Government cannot provide that information? The Government, for example, does not have to provide the information of the actual cost per ambulance; it may be able to provide a cost over a period of time in order to disguise any commercially sensitive information. That is one question.

3470 I will ask a second, if Mr Speaker does not mind, and therefore get it out of the way, so to speak. Is that cost of transferring patients to Xanit Hospital by ambulance subsumed within the £7.1 million that it is actually costing the Government of Gibraltar at the moment to use Xanit Hospital, which was the schedule that he provided to me when he answered a question. I would be very surprised if it was not, but I would like the hon. Gentleman to confirm that.

3480 **Hon. Dr J E Cortes:** Mr Speaker, I am not sure. I am not going to answer in any other way. The question that I previously answered with those schedules – and if we go through them perhaps we can identify that – was provided by the sponsored patients department based on their information.

3485 I am not absolutely sure, although I can find out, clearly, tomorrow or the day after, whether that is included there, because it is a different process and within the Civil Service public service accounting processes it may be a different head and maybe when that information was asked for it did not come from that head and that information is not there. I cannot answer that now.

3490 On the question of why is it essentially commercially sensitive, it may be possible to pool figures but I took the question as a detailed cost for transfer. But there are other private entities in the area in the game and therefore publicly stating what we are paying to one particular entity when there are others I do not think is correct. But as I say, I am happy to share it on a confidential basis.

3495 **Hon. D A Feetham:** Yes, Mr Speaker, but in my respectful view it is a perfectly reasonable question that the hon. Lady has asked, and if there is any problem with commercially sensitive information ... Well, she is not asking, as I understand it, for details of the contract and detailed prices. But, for example, the hon. Member can say it is costing the GHA x amount per month to send these people by ambulance, or per week or whatever, and I just wonder whether he is willing to provide that information and willing to write to me and also to the hon. Lady and provide the information, because that at the very least will provide us with some information in relation to what is an important question.

3505 **Hon. Dr J E Cortes:** Mr Speaker, I said more than that. I said I would be willing to provide the information on a confidential basis. But as far as monthly figures, yes, I do not have an issue with that; I just did not want to give more specific details which could be used by other commercial entities also in the market of ambulances.

I would ask the hon. Lady or the hon. Gentleman, or both, either to write to me or to remind me tomorrow so that I can make sure that I do. I am sure that I will remember, but I do not want to be taken to task for not having provided information otherwise.

Q473/2016
Xanit –
Monthly payment

3510 **Clerk:** Question 473, the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: How much is being paid by the GHA to Xanit month by month?

3515 **Clerk:** Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, I am providing information since the execution of the contract in July 2013 in the handout.

Answer to Q473/2016

Financial Year	Total
2012/13	£1,639,638.11
2013/14	£3,468,875.52
2014/15	£4,681,302.93
2015/16	£7,125,429.41
2016/17 (as at 20th June 16)	£1,466.76

3520 **Hon. Dr J E Cortes:** Mr Speaker, this is unfortunately in annual figures which are similar to the ones that I have already given but totalled up. They may be from not exactly the same period but the figures will be more or less the same – not month by month, because we do not always get invoices on a monthly basis. Sometimes they are pooled together, sometimes they come at the end of a particular patient's treatment, so it would be an artificial figure.

3525 I have given the annual figures, which I hope will be the information more or less that you are interested in, which is very similar to information we have already discussed before. You will see the increase at the time that we discussed.

3530 **Hon. Ms M D Hassan Nahon:** Is the Minister satisfied with the fees in general that the Health Authority incurs in Xanit, or is it looking to bring home many of the treatments in Xanit in order to decrease the expenses that are resulting from Xanit and apply them to St Bernard's instead?

3535 **Hon. Dr J E Cortes:** Yes, of course, Mr Speaker. Repatriation is one of our main aims. At the moment, we are actively working on repatriating urology services so that some of the interventions that could not be done here before are being done, or will be done. As much as we can do here in Gibraltar we will do, and this is an ongoing process in which we are identifying things that we can do within our own resources.

3540 **Hon. R M Clinton:** Mr Speaker, if the Hon. Minister could advise ... We spoke earlier about the quality control over individual doctors. I was just wondering what kind of quality control does the GHA exercise over Xanit, and also, from a financial point of view, are there any processes in place or procedures to ensure that we are getting value for money and that we are not just being treated as a private patient to be exploited commercially?

3545 **Hon. Dr J E Cortes:** Mr Speaker, these are all concerns which I share, and it is my duty to be on top of these things. I think we can still do things better, but let me just say we are not treated as private patients because we have a negotiated rate with them which is not the standard private patients rate, so that is one thing.

3550 There are, I believe, six-weekly meetings of the GHA team with the Xanit team, usually in Gibraltar, sometimes in Xanit, and that goes through clinical, operational, billing, all those sorts of things. We have recently appointed one of our consultants as being the medical co-ordinator with Xanit to be able to improve the clinical work.

3555 So there are regular meetings and regular interactions and we are working on streamlining that and increasing the efficiency and the scrutiny of the work that we do. It is something that one has to be on top of all the time, but it is our duty to ensure that we get value for money and also clinical excellence.

3560 **Hon. D A Feetham:** Just following on from this question, he may not have the information in front of him but what is the difference in rate? He talked about rates. What is the difference in rate between a private care rate so to speak and the rate that the Government gives? What kind of a discount are we seeing that obviously is then reflective of the huge amounts of money that the Government is spending in relation to Xanit, which was £7.1 million last year?

3565 **Hon. Dr J E Cortes:** Mr Speaker, I do not have that information. (*Interjection by Hon. D A Feetham*) No, I do not have that information. The contract is now three years old, so it is not in my head at the moment.

I can say that we based the prices that we were seeking on NHS prices with a little bit of ... Obviously, we also need to consider the fact that if patients go to Xanit we do not incur on the travel and accommodation expenses and so on.

3570 That information is in a schedule and if I am asked for it, either in writing or whatever, I can provide that, but I do not have that information at hand at the moment.

Hon. E J Phillips: Does the Minister agree with me that the significant increase from 2012-13 up until 2015-16 should cause the Department for Health a degree of concern? On the basis of the huge amount of figures, the value that is being paid over to this particular hospital, is the Minister concerned about the increasing expense to the public purse in relation to this?

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Hon. Dr J E Cortes: Interested. 'Concern' is a difficult word, because clearly I want to reduce costs but I want to maintain a service. This is why these regular meetings are taking place, why we have appointed a consultant to look at the clinical side and also to have a view at interpreting some of the things that are being done there and to look more closely at what can be done here. So this is constantly being done.

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I would like to reduce our costs everywhere, provided we maintain the service. But remember what I said earlier: we do have more patients. The demand on healthcare has really grown in the last few years for all sorts of reasons, and also, as I sa, a new patient today will still be a patient – hopefully in the sense that they will survive whatever intervention – next year and the year after. So it is a cumulative thing and patients do have to go for review.

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So it is something that I am keen to control and we are setting processes in place in order to keep a very close eye on this, but there is already quite a lot of work being done on this. It is something that is not just being ignored and filed away; it is something that is constantly being looked at.

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Hon. Ms M D Hassan Nahon: Can I just ask: the figure of 2016-17, half a year, but £1,466 surely is not reflective or accurate – is there something that we should be expecting?

Hon. Dr J E Cortes: Mr Speaker, those are the figures that I have. It has raised my attention. I need to check whether there is a typographical error and I can check that tomorrow, or whether it is just that the payments have not been processed because the financial year started on 1st April, but I need to consult.

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Hon. Ms M D Hassan Nahon: Can I also ask: perhaps the very steep spike between 2013 and 2015 could have something to do with ... if the hon. Member may agree ... Are more patients now being sent to Xanit and less to the UK? How do these decisions get made? I think that if we are looking at the Budget, we would have to put it all in a basket and see how expenditure is going in general. But is it because we are taking more away from the UK and allocating it more to Spain? And if so, how are these decisions being taken, why and how?

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Hon. Dr J E Cortes: Yes, in part. I do not think we can get away from the fact – and I will provide the figures in my Budget speech – that we have a lot more sponsored patients than we had and the numbers increase. Therefore, no matter where they go the costs are going to go up, and we are trying to control that by repatriating. Chemotherapy is an example, and we are going to be reflecting, as you will see in the estimates next week, by trying to keep a control on the funding for sponsored patients because we want to do things differently. So there will be some redeployment from the UK to Spain, but overall there is an increase in the number of sponsored patients. That is one thing.

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As far as the decisions go, the decisions could be practical in the sense that we need a hospital nearby urgently for something we cannot do here and therefore we send them to Xanit because they are an hour or two down the road. They can be clinical in the sense that the doctor feels that the treatment available there is the one the patient needs, or it can be patient choice. There are some patients who actually do not want to go to the UK because ... In fact, there have been some whose fear of flying keeps them from going to the UK. There are some who have a lot of relatives and they want to be close to them and therefore they would rather be in Xanit than in a centre in UK. So there are all sorts of different reasons why this could be. The decisions are mainly clinical, but there is an element of patient's choice in it.

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3625 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I know that my father always used to say that Gibraltar's national sport is gossip, so we cannot take everything we hear law, but there has been a lot of talk that there was some type of connection between a relative of the GHA and Xanit and some type of venture. There has been a lot of talk about that and that patients were sent to Xanit a lot as a result of some sort of joint venture. Can the Minister put us all at ease that there has been no such venture between any relative of the GHA leading to the spike of budget towards Xanit?

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Minister for Business and Employment (Hon. N F Costa): Mr Speaker, if I may, on points of order I think that it would be a very dangerous precedent if a Member opposite were to ask us a question on the basis of gossip, because as the hon. Lady very rightly says, in Gibraltar it is quite common to hear things said about people, about things which happen to have no fact or basis at all and are unsubstantiated.

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In that respect, Mr Speaker, on a point of order I would say that it would be out of order to ask a question as to whether statements of private individuals are accurate. There is no way that the hon. Gentleman would be able to know if any private individual has made a statement which is accurate or not.

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Also, Mr Speaker, a question should not be asked for an expression of opinion or on a hypothetical. I know that the hon. Lady asks in good faith, because if she hears something it may be important to ask it, but on those two Standing Orders alone it would be extremely dangerous if, on the basis of gossip, the Minister responsible were to be asked to provide an answer in this House.

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Mr Speaker: The Hon. Minister is, of course, perfectly correct.

Hon. Dr J E Cortes: Mr Speaker, I am grateful to my colleague, but because the question was asked in good faith I can just say, without actually responding to the gossip specifically, that a contract with Xanit came about as a result of the need to formalise an ad hoc arrangement which was not working and was not safe, and had nothing to do with any relationships with anybody in GHA or anywhere else.

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I have answered that because of the good faith and because of the fact that the hon. Member is relatively new to this House, but I thank my hon. and learned Friend for his intervention.

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Hon. Ms M D Hassan Nahon: Mr Speaker, I know it is not a question and I have been accused of making comments and not questions, but I just want to say I am grateful for your faith in my good faith, and also that because we live in a small village words do get around, and there is gossip but there is also the saying 'no smoke without a fire'. So trust me when I say I am giving the hon. Member the opportunity to put out some bad rumours that go about which shape the talk of the town in our little town, which end up becoming concerns. So thank you for that.

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Mr Speaker: I think it is a day of records. I have never known any Minister to answer questions without interruption – well, with just a short comfort break. I have never known a Minister, in all the years that I have been in the House, to answer questions for so long. A great *tour de force*. I commend the Minister and I am going to give him the opportunity, therefore, to move the adjournment of the House until tomorrow.

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Hon. Dr J E Cortes: Yes, Mr Speaker, I move that we adjourn the House until tomorrow morning at 10 o'clock.

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Mr Speaker: The House will adjourn until tomorrow morning at 10.00 a.m.

The House adjourned at 8.11 p.m.